

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
SECOND
EXTRAORDINARY
SESSION
OF 1984-85

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING MONDAY, DECEMBER 17, 1984**



Vol. 1

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

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To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

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2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
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FIRST LEGISLATIVE DAY

MONDAY, DECEMBER 17, 1984

BE IT REMEMBERED, That on the 17th day of December, A.D., 1984, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901.

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 6:00 p.m., on Monday, December 17, 1984, and I do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to deal with workmen's compensation benefits for the working people of the State of Alabama, and in particular to increase, extend, and improve workmen's compensation benefits, and legislation relating to co-employee liability to place certain reasonable restrictions thereon.
2. Legislation to extend the statute of limitations for civil negligence liability suits, so as to give all citizens of the State of Alabama more reasonable time in which to consider the reasonability of filing suits to recover damages for injuries caused to them by the wrongful actions of others.
3. Legislation to extend or remove the statute of limitations in certain criminal matters relating to, but not limited to child abuses, child molestation, rape, or other crimes wherein the Legislature deems the extension or removal of the statute of limitations to be appropriate.
4. Legislation to allow for jury verdicts in civil matters to be achieved by less than unanimity among jurors, conditioned upon the approval and consent of all litigants who might be affected by said jury verdict.

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IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State at the capitol, in the City of Montgomery, on this the 17th day of December, 1984.

GEORGE C. WALLACE,
Governor.

ATTEST:

SECRETARY OF STATE,
Don Siegleman.

Pursuant to such proclamation, at the hour of 6 o'clock P.M. on Monday, December 17, 1984, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Bill Baxley, Lieutenant Governor and President and Presiding Officer of the Senate, McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Mike Brown, Robert E. Lee High School, Montgomery, Alabama.

CERTIFICATE OF ELECTION

STATE OF ALABAMA

I, Don Siegelman, Secretary of State of the State of Alabama, in accordance with Amendment 97 to the Constitution of Alabama, do hereby certify as duly elected:

**HONORABLE WILLIAM FRED HORN
MEMBER, ALABAMA STATE SENATE
DISTRICT 18**

on the 26th day of November, 1984.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery, on this day, November 26, 1984.

DON SIEGELMAN,
Secretary of State.

STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

"The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following member of the Senate

certified elected by the Secretary of State on November 26, 1984, his credentials having been presented, and oath of office subscribed to by the Senator, to-wit:

“WILLIAM FRED HORN.”

ROLL CALL

Whereupon, on a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Senators:	Cabaniss	Figures	Little
Aldridge	Cooley	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hand	Parsons
Barron	Dial	Hilliard	Smith (J)
Bedsole	Dixon	Holmes	Strong
Bennett	Drinkard	Horn	Teague
Bishop	Ellis	Langford	

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LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Bedford, Covington, Denton, Sanders, and Smith (B) for today.

RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Bedsole, Cabaniss, and Dixon.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith, a message from Governor George C. Wallace.

Done this 17th day of December, 1984.

Respectfully submitted,
ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

The Alabama Legislature
State Capitol
Montgomery, AL 36130

Dear Ladies and Gentlemen:

I know that I have called you into this extraordinary session of the Alabama Legislature at a time when you need to be near your families and, also, at a time when many of you find it difficult to be away from your businesses.

However, this is a very critical time for Alabama and I feel that the issues which we are presenting to you today are vital to the State's future. Many large industries are looking at several states at this time, including Alabama, as a possible place to locate new or expanded industries. The law permitting lawsuits among employees of the same employer for simple negligence in Alabama is causing manufacturers to reject Alabama as a place to put industrial operations which increase the number of jobs available to our workers. This law is also causing many of our current industries to consider moving out of Alabama to other states. We have received letters and other publications to that effect in recent days.

The particulars surrounding the co-employee law at this time are well known and I will not burden you with them in this message. Simply, we are going to ask you to pass into law a bill which will bring Alabama into line with a majority of our sister states. Currently, only two other states allow co-employee lawsuits for a simple negligent action; Maryland and Wyoming. Florida, Iowa, and Minnesota require an act wanton/gross negligence. Twenty-nine other states require the level of negligent misconduct causing an injury to be willful or intentional. Fifteen states have total immunity. We are asking you to pass a bill written by the members of the joint interim committee to study the co-employee liability and workmen's compensation benefit legislation which I believe you will find fair to both workers and management. It will bring us into line with twenty-nine other states establishing that a willful act of negligence must be committed before a lawsuit can be successfully litigated, with certain defined exemptions. Also, it will provide a significant increase in the amount of benefits available to injured Alabama workers under Workmen's Compensation. I believe you will find this bill fair and furthermore it should correct our co-employee problem and help to attract more jobs into Alabama.

When I left the Governor's Office in 1979, we were rated second only to Texas in the list of states with the most favorable climate for business and industry. We also had a very low rate of unemployment. Today our rating among states with the favorable climate to business industry is in the mid twenties and our level of unemployment is approximately 10.4 percent, third highest in the nation. The only significant change to Alabama's laws since the mid 1970's has been the State Supreme Court's decision which allows the co-employee lawsuits. Passage of the bills which we are submitting to you should help move Alabama toward the top again in its attractiveness to business and industry. I feel that this will enable us to attract thousands of additional jobs in Alabama and we will see our percentage of unemployment decrease and our standing among the other states in the nation become much more favorable in the near future.

Some very large industries have told me as they announced recent plant locations and expansions in Alabama that their employment level would grow

to much larger numbers if we addressed the co-employee problem and brought about a good law in this state.

We are also presenting legislation to you to move the statute of limitations from one to two years in civil tort cases in Alabama. This is another area in which our state is currently in a very minority position. Only four other states have one year statute of limitations in regards to civil action. We are going to ask you to move Alabama into line with 20 additional sister states by increasing the statutes from one to two years. Twenty-five states have statute of limitations of more than two years.

Also we are going to ask you to pass into law a bill allowing for a civil jury verdict with less than a unanimous vote by the jury, providing the parties in the litigation have prior agreement. This will not force this change upon any party in court action but will allow them to mutually decide if they want something less than a unanimous vote for a verdict.

In addition to the civil tort changes, we are presenting to you a bill designed to remove the statute of limitations regarding certain criminal actions in the case of rape and other sexual offenses in violent crimes. The Attorney General has written me a letter requesting that we address this matter in the Special Session and I agree with him that this should be done at this time. We should not allow individuals who commit acts of rape, child molestation, and other violent crimes to go scott free just because a period of time has expired between the time of their action and the time when they are caught. I do not believe that the Legislature nor the Governor of this state intended for the statute of limitations to apply in these cases in the first place. We can correct this law at this opportunity. I do not believe that this bill will be controversial.

Hopefully, you can do your work in five days. I know some of these proposals have been very controversial. I believe the issues are well known to every member of the Legislature and that you will principally be hearing the same arguments that you have heard in the past. I agree with Senator Charles Bishop and others that this package of bills will be one of the best Christmas presents that this Governor and this Legislature could present to the people of Alabama this year.

Please allow me to commend the House and Senate members of the joint interim committee studying the co-employee liability matter and Workmen's Compensation. I know their job has been difficult but it has been very productive. Senator Charles Bishop, Senator Steve Cooley, Representative Roy Johnson, Senator Danny Corbett, Senator Frank Ellis, Senator Mac Parsons, Representative Jim Campbell, Representative Tom Coburn, Representative Sundra Escott and Representative John Tanner members of this committee are all to be commended for their diligence and outstanding work.

Also, I would like to commend Lt. Governor Bill Baxley and Speaker Tom Drake for helping to bring this committee action about and getting us to the point where we are today.

Again, I understand the timing of this call and I beg your sacrifices and diligence to address these issues and pass this legislation in the minimum amount of time possible.

Thank you very much.

Sincerely,
GEORGE C. WALLACE,
Governor.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

S. 1. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Committee on Judiciary.

By Senators Bennett, Amari, Mitchem, Cooley, Aldridge, Drinkard, Ellis, Cabaniss, Smith (J), Goodwin, Dixon, Dial, Menton, Hand, Holmes, Bedsole, deGraffenried, Little, Corbett, Bailey, Parsons, Teague, Foshee, and Strong:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Committee on Judiciary.

By Senator Ellis:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 4. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats;

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requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Committee on Agriculture, Conservation, and Forestry.

By Senator Drinkard:

S. 5. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Committee on Education.

By Senator Smith (J):

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

Committee on Judiciary.

By Senator Smith (J):

S. 7. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Committee on Judiciary.

By Senators Corbett, Bedsole, Cooley, Aldridge, and Barron:

S. 8. To exempt all persons employed in public schools from liability for certain communications to the student's parents, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any student.

Committee on Education.

By Senators Menton and Figures:

S. 9. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Education.

By Senators Hilliard and Cooley:

S. 10. To provide that upon the written stipulation of all parties to a civil action, the verdict of the jury trying that case may be based upon the unanimous vote of at least 9 but less than all of the jurors.

Committee on Judiciary.

By Senator Smith (J):

S. 11. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Committee on Agriculture, Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Senators Bailey and Menton:

S. 12. To make an appropriation to the Department of Agriculture and Industries for the State fiscal year ending September 30, 1985 in the amount of \$532,000; to be used to make up the deficit in agricultural funds in paying the salary increase not covered by the State appropriation; to make up the deficit in the shipping point inspection fund; to pay the salaries and expenses of agricultural inspectors needed to fill existing vacancies.

Committee on Finance and Taxation.

By Senators Bailey and Menton:

S. 13. To amend Section 2-3A-2, Code of Alabama (1975), which defines terms used by the Alabama Agricultural Development Authority by expanding the definition of agricultural facility to also mean agri-business.

Committee on Agriculture, Conservation, and Forestry.

By Senator Foshee (With Notice and Proof):

S. 14. Relating to Escambia County; providing for and requiring purging and reidentification of the registered voters; imposing duties upon the Board of Registrars, the Judge of Probate and upon the electors whose names appear on the listing of qualified electors of the county; providing for criminal penalties for violations; and prescribing an effective date.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 14, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bedsole, Hand, and Figures:

S. 15. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

Committee on Finance and Taxation.

By Senator Langford:

S. 16. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Committee on Judiciary.

By Senators Langford and Dixon (With Notice and Proof):

S. 17. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 17, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Corbett, Drinkard, Bedsole, and Menton:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

Committee on Governmental Affairs.

By Senators Corbett, Parsons, and Bennett:

S. 19. To supplement the Workmen's Compensation Act, so as to provide compensation for disability or death due to Cotton Textile Workers Lung Disease; to provide that the provisions of this act shall apply to employment contracts made on or after September 1, 1971; to provide for the manner of compensation, the rights and remedies of employees and civil and criminal liability of employers; and to provide for a limitation period of claims for compensation.

Committee on Business and Labor Relations.

By Senator Smith (J):

S. 20. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state of the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

Committee on Judiciary.

By Senators Bailey and Menton:

S. 21. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Committee on Agriculture, Conservation, And Forestry.

By Senators Cooley, Hilliard, Parsons, Langford, Teague, Figures, Horn, and Bennett:

S. 22. To repeal section 6-2-39 of the Code of Alabama and to amend section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it

prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

Committee on Judiciary.

By Senator Smith (J):

S. 23. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Senator Ellis:

S. 24. To amend Section 26-7-2 of the Code of Alabama 1975, relating to custody of funds owed to minors or persons of unsound mind not having guardians and payable to the judge of probate as custodian, so as to raise the maximum amount to \$3,000.00 for discharge of debt.

Committee on Judiciary.

By Senator Ellis:

S. 25. To amend section 12-17-213, Code of Alabama 1975, which section relates to minimum service time required to qualify for supernumerary district attorney status, so as to provide further for the said minimum service time requirements.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 26. To amend Section 11-50-345 of the Code of Alabama 1975, relating to public utilities so as to further regulate the rate of interest payable on bonds issued by any board of water and sewer commissioners.

Committee on Finance and Taxation.

MOTION TO ADJOURN.

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, December 18, 1984, at 2 o'clock P.M., which motion was adopted.

RESOLUTIONS

Senators Little, Foshee, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hand, Hilliard, Holmes, Horn,

Langford, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. MOURNING THE DEATH OF CAROLINE SEALE CAVANAUGH.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Caroline Seale Cavanaugh on November 16, 1984, at the early age of just 48 years; and

WHEREAS, a native of Greenville and former longtime resident of Andalusia, Mrs. Cavanaugh lost her life as the result of an automobile accident, a tragedy which cut short the life of an Alabamian who had contributed significantly in service to her native state and all its citizens; and

WHEREAS, Mrs. Cavanaugh was a former Public Relations Director for the State of Alabama during the Administration of Governor Fob James, and had served previously, from 1973 to 1978, as executive vice president of the Andalusia Area Chamber of Commerce; at the time of her death, and since 1982, she was associated with Birmingham's Brookwood Hospital in the responsible position of administrative director of marketing and public relations; and

WHEREAS, Mrs. Cavanaugh is survived by two daughters, Tara Vaughan and Deborah E. Baber; two sons, Richard E. and Clarence A. Baber; three grandchildren; her mother, Mrs. Mabel F. Harman; and by one sister, Mrs. Margaret Till; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Caroline Seale Cavanaugh, a distinguished Alabamian, prominent community leader and a dedicated public servant.

BE IT FURTHER RESOLVED, That we extend sincere and deepest sympathy to Mrs. Cavanaugh's family and direct that they receive a copy of this resolution of grief by the Alabama Legislature.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. COMMENDING LONGTIME LITTLE LEAGUE COACH CHICK EARLE OF ANDALUSIA, ALABAMA.

WHEREAS, in consensus of commendation the Alabama Legislature notes the designation of "Chick Earle Day," July 20, 1984, in Andalusia, Alabama; and

WHEREAS, lauded for outstanding contributions to Little League baseball, Coach Chick Earle was further distinguished by the naming of the baseball field at Andalusia's Johnson Park as "Chick Earle Field"; and

WHEREAS, Coach Earle, who was an organizer of Little League baseball in Andalusia, also has served as manager of the Braves for the past 30 years, a Little League record for a continuing tenure with the same team; and

WHEREAS, on this auspicious occasion, Coach Earle further received the accolades of numerous prominent Andalusians who attested to the gratitude, affection and esteem in which Coach Chick Earle is held by all citizens of Andalusia; and

WHEREAS, Coach Earle, indeed, has contributed greatly to the Little League baseball program but more importantly has positively influenced the lives of Andalusia's youth through his friendship, interest and genuine concern for the young players under his tutelage and guidance for the past three decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Coach Chick Earle of Andalusia, Alabama, for outstanding accomplishment and for his numerous contributions to the Little League baseball program.

BE IT FURTHER RESOLVED, That Coach Earle receive a copy of this resolution attesting to the Legislature's sentiment of highest regard.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. EXPRESSING APPRECIATION TO CAPITOL HOSTESS, MRS. MARIE WALKER, AND OTHER CAPITOL EMPLOYEES.

WHEREAS, on December 17, 1984, the annual Capitol Christmas Party was held in the Rotunda in keeping with a tradition of longstanding for many, many years; and

WHEREAS, this cherished and traditional celebration was initiated by Mrs. Marie Walker, our official Capitol Hostess, and has since been personally coordinated and directed by Mrs. Walker; and

WHEREAS, the Capitol Christmas Party is an event eagerly anticipated by Capitol employees who work together, under Mrs. Walker and her committee, to provide delicious refreshments and to decorate the Rotunda for a festive welcome to the Yuletide Season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most particularly commend Mrs. Marie Walker, as well as the many individual Capitol employees who annually entertain and serve as hosts for Christmas in the Capitol.

BE IT FURTHER RESOLVED, That Mrs. Walker receive a copy of this resolution in sincere personal praise for her dedicated efforts each Christmas in organizing and directing this annual event.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. AMENDING THE JOINT RULES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That the following joint rule relative to Act No. 81-889 is hereby adopted:

No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 6. COMMENDING MR. JAMES G. STURDIVANT OF MADISON, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 7. COMMENDING MR. HOMER TATE FOR OUTSTANDING SERVICE TO FARM BUREAU AND THE HUNTSVILLE COMMUNITY.

Which were adopted.

Senator Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. COMMENDING HOMEWOOD HIGH SCHOOL AND HOMEWOOD MIDDLE SCHOOL FOR BEING SELECTED AS AMONG THE NATION'S BEST IN 1983-84.

WHEREAS: Homewood High School and Homewood Middle School were both selected as among the nation's best in the United States Department of Education's 1983-84 Secondary School Recognition Program, and

WHEREAS: The Homewood School System was the only system in the country that had a high school and a middle school selected, and

WHEREAS: The two schools were chosen for the honor by a national review panel from a list of 555 nominated by chief state school officers from across the nation, and

WHEREAS: Secretary of Education T. H. Bell said the 202 schools winning national awards including the two from Homewood have "uniformly demonstrated they foster maximum student development and learning, pay careful attention to the educational needs of all their students and are committed to overcoming obstacles and sustaining already high quality programs, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it congratulates Jack Farr, principal of Homewood High School, Don Cornutt, principal of Homewood Middle School and Dr. Mike Gross, superintendent of Homewood City Schools, for their individual leadership and hard work in bringing national recognition to the Homewood Public School System and the State of Alabama, and be it

FURTHER RESOLVED, That copies of this resolution be sent to Mr. Farr, Mr. Cornutt and Dr. Gross with the Legislature's deep appreciation for a job well done.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

WHEREAS, The Legislature of Alabama notes with highest commendation the distinguished career of Judge Edgar P. Russell, Jr., of Selma, Alabama, who retired August 1, 1984, as Presiding Judge of Alabama's 4th Judicial Circuit; and

WHEREAS, Judge Russell had served as circuit court judge since July 1969, having previously served as city judge in Selma from 1959 to 1969; and

WHEREAS, upon retirement, Judge Russell was honored for his many years of distinguished and dedicated service, and was the recipient of a number of gifts, good wishes and words of praise from his co-workers, Dallas County public officials, many friends and fellow Dallas Countians; and

WHEREAS, we are pleased to note, however, that Judge Russell continues to be active through special assignments in other circuits throughout Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Judge Edgar Russell, Jr., on his illustrious judicial career, and direct that he receive a copy of this resolution expressing our utmost esteem and highest personal regard.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House Reps. Blake, Fuller and White (F).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

SECOND EXTRAORDINARY SESSION
1st Day

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And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Bedsole, Cabaniss, and Dixon.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama
Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
O. H. Delchamps, Jr.	Mobile, Alabama	First	1988

Respectfully submitted,
WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama
Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been

elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
Winton M. Blount	Montgomery, Alabama	Second	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
Yetta G. Samford, Jr.	Opelika, Alabama	Third	1990

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
Cleophus Thomas, Jr.	Anniston, Alabama	Third	1987

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been

elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
John T. Oliver	Jasper, Alabama	Fourth	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
William H. Mitchell	Florence, Alabama	Fifth	1990

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
Frank H. Bromberg, Jr.	Birmingham, Alabama	Sixth	1986

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been

JOURNAL OF THE SENATE, 1984
1st Day

elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
Thomas E. Rast	Birmingham, Alabama	Sixth	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

December 17, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

NAME	ADDRESS	DISTRICT	EXPIRATION OF TERM
Sandra Hullett	Eutaw, Alabama	Seventh	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 17th day
of December, 1984.

CARROLL O. MISSILDINE,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 2. MOURNING THE DEATH OF CAROLINE SEALE CAVANAUGH.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 16. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Tuesday December 18, 1884.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Martin, Flowers, Drake, Holley, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers,

Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

H. J. R. 17. COMMENDING THE TROY STATE UNIVERSITY TROJANS, 1984 NCAA DIVISION II NATIONAL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake, Bowling, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

H. J. R. 3. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

Also:

By Reps. Cosby and Bryant:

H. J. R. 5. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

Also:

By Rep. Biddle:

H. J. R. 6. COMMENDING THE MEDICAL CENTER OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM, ITS ADMINISTRATORS, TRANSPLANT SURGEONS, ALABAMA REGIONAL ORGAN BANK, HISTOCOMPATIBILITY LABORATORY, AND ALL OF THE OTHER INVOLVED FACULTY AND STAFF FOR THEIR CONTRIBUTIONS IN ESTABLISHING THE ALABAMA TRANSPLANT CENTER.

Also:

By Rep. Boles:

H. J. R. 7. COMMENDING DR. EVELYN PRATT FOR SERVICE ON THE STATE BOARD OF EDUCATION REPRESENTING THE 8TH DISTRICT OF THE STATE BOARD OF EDUCATION.

Also:

By Rep. Turner:

H. J. R. 9. COMMENDING MR. BLEWETTE TANNER OF MOBILE COUNTY, ALABAMA.

Also:

By Reps. Gaston, Kvalheim and Marietta:

H. J. R. 14. COMMENDING RONALD DAVID REAMS, PROMINENT MOBILE JOURNALIST.

Also:

By Rep. Laird:

H. J. R. 15. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On the motion of Senator Cooley, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Hilliard, the Rules were suspended and the Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 7, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Bedsole, the Rules were suspended and the Resolutions, H. J. R.'s 9 and 14, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Little, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake and Bowling:

H. J. R. 4. NAMING THE HIGHWAY 157 BY-PASS, FROM U. S. 31 TO U. S. 278 IN CULLMAN COUNTY, ALABAMA, THE "FINIS ST. JOHN, III, DRIVE."

WHEREAS, Finis St. John, III, a distinguished Alabamian, served for twelve years in the Alabama Legislature, an illustrious tenure which included four years in the House of Representatives and two, four-years terms in the Alabama Senate; and

WHEREAS, Senator St. John's effectiveness in public service was reflected in his many accomplishments, and in the respect of his peers who were unanimous in his selection to serve as President Pro Tem of the Senate and second in line of succession to the governorship; and

WHEREAS, as a tribute to one of Alabama's most prominent citizens and in recognition of outstanding service to our state, it is entirely fitting that the memory of Finis St. John be commemorated and, most appropriately, in his beloved Cullman County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in posthumous acclaim, we hereby name and designate the Highway 157 By-Pass, from U. S. 31 to U. S. 278 in Cullman County, Alabama, as the "Finis St. John, III, Drive".

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said portion of Alabama 155 as the "Finis St. John, III, Drive".

RESOLVED FURTHER, That Senator St. John's family receive a copy of this resolution that they may be advised of this commemorative designation of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cooley, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

ADJOURNMENT

At 7:05 P.M., on motion of Senator deGraffenried, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, December 18, 1984, at 2 o'clock P.M.

**SECOND LEGISLATIVE DAY
TUESDAY, DECEMBER 18, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Patrick Gallagher, Pastor, Our Lady Queen of Mercy Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jill Waldhour, Stanhope Elmore High School, Millbrook, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Corbett	Foshee	Mitchem
Bailey	deGraffenried	Goodwin	Parsons
Barron	Dial	Hand	Sanders
Bedsole	Dixon	Horn	Smith (J)
Bennett	Drinkard	Langford	Strong
Bishop	Ellis	Little	Teague

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Amari, Bedford, Cooley, Covington, Denton, Hilliard, Holmes, and Smith (B) for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senators Mitchem and Little:

S. 27. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Committee on Finance and Taxation.

By Senator Ellis:

S. 28. To amend Section 32-5-240 of the Code of Alabama 1975, relating to requirements of lighting equipment and illuminating devices of motor vehicles, so as to provide further requirements under certain conditions for the use of such lighting equipment and illuminating devices.

Committee on Commerce, Transportation, and Utilities.

REPORTS OF COMMITTEES

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

By Senators Corbett, Drinkard, Bedsole, and Menton:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

Senator Corbett, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Parsons, and Bennett:

S. 19. To supplement the Workmen's Compensation Act, so as to provide compensation for disability or death due to Cotton Textile Workers Lung Disease; to provide that the provisions of this act shall apply to employment contracts made on or after September 1, 1971; to provide for the manner of compensation, the rights and remedies of employees and civil and criminal

liability of employers; and to provide for a limitation period of claims for compensation.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Bedsole, Cooley, Aldridge, and Barron:

S. 8. To exempt all persons employed in public schools from liability for certain communications to the student's parents, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any student.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Notice and Proof):

S. 14. Relating to Escambia County; providing for and requiring purging and reidentification of the registered voters; imposing duties upon the Board of Registrars, the Judge of Probate and upon the electors whose names appear on the listing of qualified electors of the county; providing for criminal penalties for violations; and prescribing an effective date.

By Senators Langford and Dixon (With Notice and Proof):

S. 17. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 23. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

By Senator Teague:

S. 1. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

By Senator Smith (J):

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into

society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

By Senator Smith (J):

S. 7. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett, Amari, Mitchem, Cooley, Aldridge, Drinkard, Ellis, Cabaniss, Smith (J), Goodwin, Dixon, Dial, Menton, Hand, Holmes, Bedsole, deGraffenried, Little, Corbett, Bailey, Parsons, Teague, Foshee, and Strong (With Amendment):

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 16. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

By Senator Smith (J):

S. 20. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state of the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

By Senators Cooley, Hilliard, Parsons, Langford, Teague, Figures, Horn, and Bennett:

S. 22. To repeal section 6-2-39 of the Code of Alabama and to amend section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract

and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

By Senator Ellis:

S. 24. To amend Section 26-7-2 of the Code of Alabama 1975, relating to custody of funds owed to minors or persons of unsound mind not having guardians and payable to the judge of probate as custodian, so as to raise the maximum amount to \$3,000.00 for discharge of debt.

RESOLUTIONS

Senators deGraffenried, Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

WHEREAS, in consensus of deep sorrow and regret, the Legislature of Alabama records the untimely death of Finis Ewing St. John, III, on October 25, 1984, at the age of just 51 years; and

WHEREAS, our valued friend and former colleague, Finis St. John was a native and lifelong resident of Cullman, Alabama; he was educated at the University of Alabama, earning the B.S.L., LL.B. and J.D. degrees, and at the time of his death, was engaged in the private practice of law; and

WHEREAS, he also had served as a director of Leeth National Bank and First Federal Savings and Loan Association of Cullman; he was a communicant of Grace Episcopal Church, past president of the Alabama Young Lawyers Association and was affiliated as well with numerous other professional, civic and community organizations; and

WHEREAS, further, Finis St. John, III, a distinguished public servant, was the fourth consecutive member of his family to serve in the Alabama Legislature; his tenure included one term in the Alabama House of Representatives and two four-year terms as senator, serving as President Pro Tem during his second senatorial term; and

WHEREAS, in the death of Finis St. John, III, the State of Alabama has lost a learned statesman, an astute jurist, and a truly honorable man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we grievously mourn, we give thanks for the life, the labors and the friendship of Finis St. John, III, of Cullman, Alabama.

BE IT FURTHER RESOLVED, That in expression of love and concern, copies of this resolution shall be forwarded to Senator St. John's wife, Juliet,

and to his beloved sons, Bill and Fess, whose sorrow we share, and whose loss also is ours.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 11. COMMENDING MR. JOHN W. SCHAFER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. R. 12. COMMENDING MR. MORRIS W. FRANK OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Which were adopted.

ADJOURNMENT

At 3:30 P.M., on motion of Senator Teague, the Senate adjourned until Wednesday, December 19, 1984, at 11 o'clock A.M.

THIRD LEGISLATIVE DAY
WEDNESDAY, DECEMBER 19, 1984

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Lawson Bryan, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Clay Hallmark, Holtville High School, Holtville, Alabama.

ROLL CALL

Present:

Senators:	Bishop	Ellis	Little
Aldridge	Cabaniss	Foshee	Menton
Amari	Cooley	Goodwin	Mitchem
Bailey	Corbett	Hand	Parsons
Barron	deGraffenried	Hilliard	Sanders
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Cooley, leave of absence was granted Senators Covington, Denton, Figures, and Smith (B) for today.

MOTION TO ADJOURN

Senator Cooley moved that when the Senate adjourns today, it adjourn to meet again on Thursday, December 20, 1984, which motion was adopted.

RESOLUTION

Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Resolution, to-wit:

S. R. 13. COMMENDING SENATE SECRETARY McDOWELL LEE.

WHEREAS, McDowell Lee, distinguished Secretary of the Alabama Senate, has once again received national recognition as an authority on parliamentary procedure; and

WHEREAS, Mr. Lee's most recent honor was announced by Betty King, who is President of the American Society of Legislative Clerks and Secretaries and a member, as well, of the Executive Committee of the National Conference of State Legislatures; and

WHEREAS, Mr. Lee, by appointment, will serve on a National Commission to study a complete revision of Mason's Manual, the parliamentary authority used by a majority of state legislatures; and

WHEREAS, Mr. Lee has previously served in an advisory capacity to several state legislatures in the revision of their legislative rules and parliamentary manuals; it is through such professional service that he is perceived, throughout the United States, as a commanding scholar of parliamentary procedure; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we herein most highly commend our friend and colleague, Senate Secretary McDowell Lee, for outstanding accomplishment; we further congratulate him on this latest prestigious appointment and direct that he receive a copy of this resolution expressing the sincere regard and esteem of the Alabama Legislature.

Which was adopted.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 5. AMENDING THE JOINT RULES.

Senator Bishop was granted permission to substitute the Resolution, H.J.R. 18, in place of the Resolution, S.J.R. 5.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 18. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Rules of the Legislature are hereby amended as follows.

Add a new Joint Rule to read as follows:

No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bishop, the Rules were suspended and the Resolution, H.J.R. 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Bishop, further consideration of the Resolution, S.J.R. 5, was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION.

Also:

H. J. R. 3. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

Also:

H. J. R. 4. NAMING THE HIGHWAY 157 BY-PASS, FROM U. S. 31 TO U. S. 278 IN CULLMAN COUNTY, ALABAMA, THE "FINIS ST. JOHN, III, DRIVE."

Also:

H. J. R. 6. COMMENDING THE MEDICAL CENTER OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM, ITS ADMINISTRATORS, TRANSPLANT SURGEONS, ALABAMA REGIONAL ORGAN BANK, HISTOCOMPATIBILITY LABORATORY, AND ALL OF THE OTHER INVOLVED FACULTY AND STAFF FOR THEIR CONTRIBUTIONS IN ESTABLISHING THE ALABAMA TRANSPLANT CENTER.

Also:

H. J. R. 9. COMMENDING MR. BLEWETTE TANNER OF MOBILE COUNTY, ALABAMA.

Also:

H. J. R. 14. COMMENDING RONALD DAVID REAMS, PROMINENT MOBILE JOURNALIST.

Also:

H. J. R. 15. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

Also:

H. J. R. 16. RELATIVE TO MEETING DATES.

Also:

H. J. R. 17. COMMENDING THE TROY STATE UNIVERSITY TROJANS, 1984 NCAA DIVISION II NATIONAL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 14. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the 1984 Second Special Session only:

Inst Id		Page
S. 22	Statute of limitations in certain civil actions; Sec. 6-2-38 am'd. Sec. 6-2-39 repealed.	7

On motion of Senator Bishop, the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 7. COMMENDING DR. EVELYN PRATT FOR SERVICE ON THE STATE BOARD OF EDUCATION REPRESENTING THE 8TH DISTRICT OF THE STATE BOARD OF EDUCATION.

Senator Bedsole moved that further consideration of the Resolution, H.J.R. 7, be postponed until the Fifth Legislative Day.

Senator Aldridge offered a substitute motion to recommit the Resolution, H.J.R. 7, to the Rules Committee, which motion was adopted.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 15. COMMENDING CHARLES L. FREDDRICK FOR OUTSTANDING COMMUNITY SERVICE TO THE QUAD-CITY OF OUR STATE.

Which was adopted.

Senators Little, Ellis, Dial, Corbett, Hand, deGraffenried, Bedford, Foshee, Langford, Horn, Strong, Bennett, Cooley, Cabaniss, Bishop, Teague, Menton, Dixon, and Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

WHEREAS, the textile and apparel industry is our state's largest manufacturing industry, employing 93,000 Alabamians, representing one-third of our state's total manufacturing employment, and with payrolls over one billion dollars annually; and

WHEREAS, the textile/apparel manufacturers contribute millions of tax dollars to the economic, social, and cultural growth and success of our state, as well as thousands of dollars annually for scholarships, universities, technical schools, and for other support in the field of education; and

WHEREAS, the textile/apparel industry is of vital importance to the continued prosperity of our state and its people, and since there have been recent plant closings and a loss of 5,000 jobs in Alabama due to the flood of imports which are at record high levels—increasing 56% over the same period in 1983, and realizing for every 1,000 jobs lost in textiles/apparels, an additional 1,000 jobs are lost within a wide range of businesses and services as a result; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the President and Congressional leaders in Washington to take proper action to assure fair trade and preserve American jobs in our textile/apparel industry throughout the nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be mailed to President Reagan and to each member of the United States Senate and House of Representatives.

Which was read and referred to the Standing Committee on Rules.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. MOURNING THE DEATH OF MARVIN J. PRICE OF FAYETTE COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the recent death of Marvin J. Price of Fayette County, Alabama; and

WHEREAS, Mr. Price, who was a longtime resident of Fayette County and a former state employee, worked for the Fayette County government for more than twenty-four years; and

WHEREAS, he further served his community through active involvement and leadership in the Boy Scouts of America program, and as a devoted member of the Fayette Church of Christ; and

WHEREAS, in the death of Marvin J. Price, his community and state have suffered the inconsolable loss of an outstanding and dedicated public servant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Marvin J. Price, Fayette County, Alabama, and direct that a copy of this resolution be forwarded to his family whose loss we sorrowfully share.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford then offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. COMMENDING TODD H. KNOWLTON OF FAYETTE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature, in highest commendation, extends congratulations to Todd H. Knowlton of Fayette County, Alabama, as a 1983-84 Academic All-American, a prestigious designation of the National Secondary Education Council; and

WHEREAS, the NSEC established the program to recognize superior students who excel in the academic disciplines; candidates are required to earn a 3.3, or better, grade point average and must be nominated by a secondary school instructor, counselor or other qualified sponsor; and

WHEREAS, Todd Knowlton, a student at Fayette County High School and the son of Mr. and Mrs. William O. Knowlton, III, will appear in the nationally-published All-American Scholar Directory, denoting his recognition as a young scholar of truly outstanding achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Todd H. Knowlton of Fayette County, Alabama, for academic excellence and direct that he receive a copy of this resolution evidencing our sincere regard of his many singular accomplishments.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedford, Mitchem, Foshee, Little, Bishop, Barron, Dial, Menton, and Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. COMMENDING MAYOR BARBARA BOBO OF MILLPORT, ALABAMA.

WHEREAS, the Alabama Legislature extends sincere and commendatory congratulations to Mrs. Barbara Bobo upon her July 1984 election as Mayor of Millport, Alabama; and

WHEREAS, in establishing a first for the Town of Millport and for all of West Alabama, Mrs. Bobo also joined the small minority of female Mayors statewide; and

WHEREAS, a resident of Millport since 1968, Mayor Bobo is a former member of that city's Council and has a longtime record of conscientious service with the Millport Area Chamber of Commerce; and

WHEREAS, Mayor Bobo is a political activist who was a member of President Carter's Peanut Brigade and was an ardent worker in New Hampshire for the former president's 1980 campaign; and

WHEREAS, also a supporter and Lamar County coordinator for Governor Fob James, she served by appointment on the Tennessee-Tombigbee Waterway Board of Directors and is a member of the five-state board representing the States of Alabama, Tennessee, Florida, Mississippi and Kentucky which are impacted by the Waterway; and

WHEREAS, Mayor Bobo further is a former member of Governor James' Private Industry Council and currently serves on the Lamar County Democratic Executive Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend Mayor Barbara Bobo of Millport, Alabama, whom we hold in highest esteem, and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Menton, Bedsole, Strong, Hand, Bedford, Aldridge, Amari, Bailey, Barron, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hilliard, Holmes, Horn, Langford, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

WHEREAS, the Port of Mobile, along with several other variously located ports, is under consideration by the United States Navy as a possible additional home port for a new carrier battle group; and

WHEREAS, it is to be noted that Alabama's Port of Mobile will now or soon fully comply with all criteria to be evaluated in the selection process: its planned deepening to 55 feet will accommodate the larger new carriers; shipyard facilities are available to handle maintenance on the ship, as are airbase facilities for the 90 to 100 carrier aircraft; and sufficient housing is available in the area to accommodate all additional naval and civilian personnel and their families; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully urge the Secretary of the Navy to designate the Port of Mobile as the home port for one of our Navy's new carrier battle groups.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, by copies of this resolution, shall advise the Secretary of the Navy, as well as each member of Alabama's Congressional Delegation, of this request of the Legislature of Alabama.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 5. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

On motion of Senator Goodwin, the Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. COMMENDING MR. AND MRS. EARNEST WILBERT ROBINSON, JR., ON THEIR LONGTIME CAREERS WITH WEST POINT-PEPPERELL, INC.

WHEREAS, the Alabama Legislature extends heartiest congratulations and sentiments of commendation to Mr. and Mrs. Earnest Wilbert Robinson, Jr., upon their induction into West Point-Pepperell's exclusive Fifty Year Club; and

WHEREAS, Earnest Robinson and Mary Harrison Robinson, as a husband-wife team, were honored at 1984 induction ceremonies for their loyalty and service to the company, the purpose of the unique organization's founding in 1947; and

WHEREAS, Mr. Robinson, a Lee County native, boasts a record of continuous service with West Point-Pepperell dating from September 1, 1934; he worked at Opelika Mill until January 1945 at which time he went on leave for military service during World War II, returning to Opelika Mill from 1946 to January 1950, at which time he transferred to Opelika Finishing Plant where he continues to serve in his present position of Department Manager of Shipping; and

WHEREAS, Mrs. Robinson, who was born in Tallapoosa County, has worked continuously, since April 1934, at the company's Opelika Mill and currently holds a position as Burler Inspector in the Cloth Room; and

WHEREAS, it is further to be noted that both Mr. and Mrs. Robinson are joined in loyalty and service to West Point-Pepperell by numerous other family members who are now, or have been, employees of the corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. and Mrs. E. W. Robinson, Jr., of Opelika, Alabama, on their lengthy and outstanding service to West Point-Pepperell, Inc.; we further congratulate Mr. and Mrs. Robinson on their accomplishments and direct that they each receive a copy of this resolution of sincere warm praise and regard.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 29. To provide that the verdicts of the juries in civil and criminal cases may be based upon the unanimous vote of at least 9 but less than all of the jurors.

Committee on Judiciary.

By Senator Parsons:

S. 30. To amend Sections 16-36-2 and 13A-14-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee and to require open meetings.

Committee on Education.

By Senators Corbett, Dixon, Bailey, Drinkard, Aldridge, Hilliard, Bennett, Strong, Sanders, Bishop, Bedsole, Menton, Teague, Parsons, Cabaniss, Horn, and Ellis:

S. 31. To prohibit the possession of a firearm within the state capitol, regardless of whether or not a person charged for a violation of this act has a lawful permit to otherwise possess or carry a firearm; to provide for Class "C" felony punishment for violations; and to exempt state capitol police and security personnel authorized by law for public officials having offices or official business in the capitol.

Committee on Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black:

H. J. R. 19. MOURNING THE DEATH OF MR. T. Y. ROGERS OF COATOPA, SUMTER COUNTY, ALABAMA.

Also:

By Rep. Grouby:

H. J. R. 20. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

By Reps. Moore and Smith:

H. J. R. 21. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM, 1984.

Also:

By Reps. Martin, Drake, Adams, Albright, Bachus, Beasley, Beers, Biddle,

Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

H. J. R. 22. MOURNING THE DEATH OF MARVIN GUY CARTER OF ATHENS, ALABAMA.

Also:

By Rep. Flowers:

H. J. R. 24. HONORING DR. GEORGE H. SMITH FOR 40 YEARS DEDICATED SERVICE AS PASTOR OF THE SHILOH MISSIONARY BAPTIST CHURCH, TROY, ALABAMA, PIKE COUNTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H.J.R.'s 19, 20, 21, 22, and 24, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Biddle and Johnson (Roy):

H. J. R. 30. EXPRESSING LEGISLATIVE INTENT REGARDING THE LAW EXEMPTING CERTAIN DRUGS FROM TAXATION.

WHEREAS, on May 17, 1981, Act 81-663 (H.B. 43), was enacted in the Regular Session of the Legislature; and

WHEREAS, such Act, which became effective on July 1, 1981, is now codified in Section 40-23-4.1, Code of Alabama 1975; and

WHEREAS, such Act provides that certain drugs are exempt from State of Alabama Gross Sales Taxes as defined in Section 40-23-4.1, Code of Alabama 1975; and

WHEREAS, the term "drugs" includes any medicine prescribed by a physician when the prescription is filled by a licensed pharmacist, or sold to the patient by the physician, for human consumption or intake; and

WHEREAS, it was the intent of the Legislature to exempt the sale or dispensing of such drugs from State Gross Sales Taxes, as defined in Section

40-23-2, and from State of Alabama Use Taxes under Section 40-23-60, et seq., so long as such drugs are prescribed by physicians when the prescription is filled by a licensed pharmacist or sold or otherwise dispensed to the patient by the physician, for human consumption or intake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was, and still remains, the intention of both the House of Representatives of the State of Alabama and the Alabama State Senate that the term "drugs," as defined in Act 81-663, which is now codified in Section 40-23-4.1, Code of Alabama 1975, shall include any medicine prescribed by physicians when the prescription is filled by a licensed pharmacist, or sold or otherwise dispensed to the patient by the physician, for human consumption or intake.

BE IT FURTHER RESOLVED, That it was, and still remains, the intention of both the House of Representatives of the State of Alabama and the Alabama State Senate that such sale or dispensing of said drugs shall be exempt from the State of Alabama Gross Sales Taxes and State of Alabama Use Taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 30, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham and Rice (With Notice and Proof):

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 9, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Starr (With Notice and Proof):

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 22, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 9 and 22—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. COMMENDING LONGTIME LITTLE LEAGUE COACH CHICK EARLE OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 4. EXPRESSING APPRECIATION TO CAPITOL HOSTESS, MRS. MARIE WALKER, AND OTHER CAPITOL EMPLOYEES.

Also:

S. J. R. 8. COMMENDING HOMEWOOD HIGH SCHOOL AND HOMEWOOD MIDDLE SCHOOL FOR BEING SELECTED AS AMONG THE NATION'S BEST IN 1983-84.

Also:

S. J. R. 9. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

Also:

S. J. R. 10. MOURNING THE DEATH OF FINIS ST. JOHN, III, OF CULLMAN, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 22. COMMENDING MR. TOM FORD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 23. COMMENDING MR. VERNON G. SCHRIMSHER, PROMINENT HUNTSVILLE CONTRACTOR AND CIVIC LEADER.

Also:

S. R. 24. COMMENDING MR. WILLIAM K. BELL OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 25. COMMENDING MR. JAMES D. CHADBOURNE OF

HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 26. COMMENDING DAVID L. THOMAS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were read and referred to the Standing Committee on Rules.

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 27. COMMENDING MRS. BURNIECE WILEY, RUSSELLVILLE, ALABAMA'S BPW "WOMAN OF THE YEAR."

Also:

S. R. 28. COMMENDING DANA MOORE OF VERNON, MISS TEEN OF ALABAMA FOR 1984.

Which were read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 4. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

By Senator Smith (J):

S. 11. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

The above Bill was read a second time at length as required by the Constitution.

By Senators Bailey and Menton:

S. 13. To amend Section 2-3A-2, Code of Alabama (1975), which defines terms used by the Alabama Agricultural Development Authority by expanding the definition of agricultural facility to also mean agri-business.

By Senators Bailey and Menton:

S. 21. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

BILLS ON THIRD READING

THE BILL:

S. 14. Relating to Escambia County; providing for and requiring purging and reidentification of the registered voters; imposing duties upon the Board of Registrars, the Judge of Probate and upon the electors whose names appear on the listing of qualified electors of the county; providing for criminal penalties for violations; and prescribing an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Mitchem	
Aldridge	Cooley	Hand	Parsons	
Bailey	Corbett	Holmes	Sanders	
Barron	deGraffenried	Horn	Smith (J)	
Bedford	Dial	Little	Strong	
Bedsole	Dixon	Menton	Teague	
Bennett	Ellis			—25

Nays: —0

THE BILL:

S. 17. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons	
Aldridge	Cooley	Hand	Sanders	
Bailey	Corbett	Holmes	Smith (J)	
Barron	deGraffenried	Langford	Strong	
Bedford	Dial	Little	Teague	
Bedsole	Dixon	Menton		
Bennett	Ellis	Mitchem		—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 18. Amending the Joint Rules of the Legislature.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 22. To repeal section 6-2-39 of the Code of Alabama and to amend section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

Senator Cooley offered the following substitute for the Bill, S.B. 22, to-wit:

SUBSTITUTE FOR S. B. 22

**A BILL
TO BE ENTITLED
AN ACT**

To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws

respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-2-38 of the Code of Alabama is hereby amended to read as follows:

“(a) An action by a representative to recover damages for wrongful act, omission or negligence causing the death of the decedent under Sections 6-5-391 and 6-5-410 must be commenced within two years from the death.

“(b) All actions by common carriers of property subject to Chapter 3 of Title 37 for recovery of their charges, or any part thereof, shall be begun within two years from the time the cause of action accrues and not after.

“(c) For recovery of charges, action shall be begun against common carriers of property by motor vehicles subject to this article within two years from the time the cause of action accrues and not after, except as provided in subsection (d) of this section; provided, that if claim for the overcharge has been presented in writing to the carrier within the two year period of limitation, said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

“(d) If on or before the expiration of the two-year period of limitation in subsection (c) of this section, a common carrier by motor vehicle subject to Chapter 3 of Title 37 begins action under subsection (c) of this section for recovery of charges in respect of the same transportation service or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include 90 days from the time such action is begun or such charges are collected by the carrier.

“(e) The cause of action in respect of a shipment of property shall, for the purpose of subsections (b) through (f), of this section be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

“(f) The term “overcharges” as used in subsections (b) through (e) of this section shall mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the public service commission.

“(g) Any action brought under Section 25-5-11(b) of the Code of Alabama must be brought within two years of such injury or death.

“(h) All actions for malicious prosecution must be brought within two years.

“(i) All actions for seduction must be brought within two years.

“(j) All actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, must be brought within two years.

“(k) All actions of libel or slander must be brought within two years.

“(l) All actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section must be brought within two years.

“(m) All actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties must be brought within two years.

“(n) All actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee under the doctrine of respondeat superior must be brought within two years.

“(o) All actions commenced under Section 6-5-411 to recover damages for injury or damage to property of a decedent must be brought within two years.

“(p) If any action is commenced before the time limited has expired, judgment is entered for the plaintiff and such judgment is arrested or reversed on appeal, the plaintiff or his legal representative may commence an action again within one year from the reversal or arrest of such judgment though the period limited may in the meantime have expired; and in like manner, if more than one judgment is arrested or reversed, an action may be recommenced within one year.”

Section 2. Section 6-2-39 of the Code of Alabama is hereby repealed.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 3.

Yeas:

Senators:	Bishop	Ellis	Langford
Aldridge	Cabaniss	Goodwin	Little
Bailey	Cooley	Hilliard	Menton
Bedford	deGraffenried	Holmes	Smith (J)
Bedsole	Dial	Horn	Strong
Bennett			

—20

Nays:

Senators:	Barron	Hand	Mitchem
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—3

Senator Bailey offered the following amendment to the Bill, S.B. 22, as amended by the substitute, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 22

On page 1, in the title, on the line immediately above line 31 before the period insert the following:

and to provide for the conditional termination of this act

On page 4, at the end of Section 4, insert the following:

The provisions of this act shall be null and void if the Alabama Supreme Court or the U. S. Supreme Court declares all or any portion of H. B. 1 of the 1984 2nd Special Session, as enacted, unconstitutional, invalid or null and void. If the Alabama Supreme Court declares said act void and the U.S. Supreme Court subsequently declares said act valid, said act shall have full force and effect.

On page 1, in the title, on the line immediately above line 31 after the word "law" insert:

and to provide for an effective date

On page 4, delete Section 5 in its entirety and insert in lieu thereof:

Section 5. This act shall become effective upon the same date as H. B. 1 of the 1984 2nd Special Session, as enacted, shall become effective.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 17; Nays 11.

Yeas:

Senators:	Cooley	Goodwin	Parsons	
Aldridge	Corbett	Holmes	Smith (J)	
Amari	deGraffenried	Horn	Strong	
Bishop	Drinkard	Langford	Teague	
Cabaniss	Ellis			—17

Nays:

Senators:	Bedford	Dial	Hand	
Bailey	Bedsole	Dixon	Little	
Barron	Bennett	Foshee	Mitchem	—11

Senator Aldridge offered the following amendment to the Bill, S. B. 22, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 22, AS AMENDED BY SUBSTITUTE

Amend Senate Substitute for S. B. 22 Page 4, Line 13, by inserting the following paragraph:

"(q) In actions seeking relief on the ground of fraud where the statute has created a bar, the claim must not be considered as having accrued until the discovery by the aggrieved party of the fact constituting the fraud, after which he must have two years within which to prosecute his action."

Which was adopted.

Yeas 16; Nays 6.

Yeas:

Senators:	Cabaniss	Dial	Langford	
Aldridge	Cooley	Ellis	Menton	
Amari	Corbett	Foshee	Strong	
Bennett	deGraffenried	Goodwin	Teague	
Bishop				—16

Nays:

Senators:	Bedsole	Hand	Mitchem	
Bailey	Dixon	Little		—6

Senator Aldridge then offered the following substitute for the Bill, S. B. 22, as amended by the substitute, as amended, to-wit:

**SUBSTITUTE FOR S. B. 22, AS AMENDED BY SUBSTITUTE,
AS AMENDED
A BILL
TO BE ENTITLED
AN ACT**

To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-2-38 of the Code of Alabama is hereby amended to read as follows:

“(a) An action by a representative to recover damages for wrongful act, omission or negligence causing the death of the decedent under Sections 6-5-391 and 6-5-410 must be commenced within two years from the death.

“(b) All actions by common carriers of property subject to Chapter 3 of Title 37 for recovery of their charges, or any part thereof, shall be begun within two years from the time the cause of action accrues and not after.

“(c) For recovery of charges, action shall be begun against common carriers of property by motor vehicles subject to this article within two years from the time the cause of action accrues and not after, except as provided in subsection (d) of this section; provided, that if claim for the overcharge has been presented in writing to the carrier within the two year period of limitation, said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

“(d) If on or before the expiration of the two-year period of limitation in subsection (c) of this section, a common carrier by motor vehicle subject to Chapter 3 of Title 37 begins action under subsection (c) of this section for recovery of charges in respect of the same transportation service or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include 90 days from the time such action is begun or such charges are collected by the carrier.

“(e) The cause of action in respect of a shipment of property shall, for the purpose of subsections (b) through (f), of this section be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

“(f) The term “overcharges” as used in subsections (b) through (e) of this section shall mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the public service commission.

“(g) Any action brought under Section 25-5-11(b) of the Code of Alabama must be brought within two years of such injury or death, or the date of the discovery of the injury or death by the aggrieved party; whichever shall occur last.

“(h) All actions for malicious prosecution must be brought within two years.

“(i) All actions for seduction must be brought within two years.

“(j) All actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, must be brought within two years.

“(k) All actions of libel or slander must be brought within two years.

“(l) All actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section must be brought within two years of such injury to the person or rights of another, or within two years of the date of the discovery thereof.

“(m) All actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties must be brought within two years.

“(n) All actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee under the doctrine of respondeat superior must be brought within two years of such injury to the person or property of another, or within two years of the date of the discovery thereof.

“(o) All actions commenced under Section 6-5-411 to recover damages for injury or damage to property of a decedent must be brought within two years.

“(p) If any action is commenced before the time limited has expired, judgment is entered for the plaintiff and such judgment is arrested or reversed on appeal, the plaintiff or his legal representative may commence an action again within one year from the reversal or arrest of such judgment though the period limited may in the meantime have expired; and in like manner, if more than one judgment is arrested or reversed, an action may be recommenced within one year.”

Section 2. Section 6-2-39 of the Code of Alabama is hereby repealed.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Cooley, said substitute was laid on the table.

SECOND EXTRAORDINARY SESSION
3rd Day

53

Yeas 20; Nays 5.

Yeas:

Senators:	Cooley	Foshee	Menton
Bailey	deGraffenried	Goodwin	Mitchem
Barron	Dial	Hand	Smith (J)
Bedsole	Dixon	Holmes	Strong
Bishop	Drinkard	Little	Teague
Cabaniss			

—20

Nays:

Senators:	Amari	Langford	Sanders
Aldridge	Bennett		

—5

And said Bill, S. B. 22, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 10.

Yeas:

Senators:	Cabaniss	Ellis	Langford
Aldridge	Cooley	Foshee	Menton
Amari	Corbett	Goodwin	Sanders
Bennett	deGraffenried	Holmes	Strong
Bishop	Drinkard	Horn	Teague

—19

Nays:

Senators:	Bedford	Dixon	Mitchem
Bailey	Bedsole	Hand	Smith (J)
Barron	Dial	Little	

—10

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 5. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint

Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 2. MOURNING THE DEATH OF CAROLINE SEALE CAVANAUGH.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong offered the following Senate Resolution, to-wit:

S. R. 29. CONGRATULATING CARMEN AND BILL MENTON OF MOBILE, ALABAMA.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 30. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the 1984 Second Special Session only:

Inst Id		Page
S. 2	Statute of limitations, number of crimes fall under, incr., Sec. 15-3-5 am'd.	6

On motion of Senator Bishop, the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Thursday, December 20, 1984, at 4 o'clock P.M., which motion was adopted.

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, which was the Bill:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence

a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 2, to-wit:

COMMITTEE AMENDMENT TO S. B. 2

Amend Senate Bill 2, page 2, line 2 by deleting the following language:

“and”

Further amend on page 2, line 3 by deleting the period and inserting in lieu thereof:

“, (h) any felony involving drug trafficking,”

RECESS

At 2:55 P.M., on motion of Senator Bishop, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 3:40 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 2

The Senate proceeded to further consideration of the Bill, S. B. 2. The question was on the committee amendment.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	deGraffenried	Holmes	Parsons
Amari	Dial	Horn	Sanders
Barron	Dixon	Langford	Smith (J)
Bedsole	Ellis	Little	Strong
Bennett	Foshee	Menton	Teague
Cabaniss			

—24

Nays:

—0

Senator Ellis offered the following amendment to the Bill, S. B. 2, as amended, to-wit:

AMENDMENT TO S. B. 2, AS AMENDED

Amend Senate Bill 2 on Page 2, Line 16, by adding a new Section 4 and renumbering succeeding sections accordingly:

“Section 4. Nothing herein shall be construed to mean that the adoption of this Act indicates that any former Statute of Limitations applying to capital offenses is invalid as the result of any decision of any court invalidating the capital punishment statutes of the State of Alabama.”

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little	
Aldridge	deGraffenried	Goodwin	Menton	
Amari	Dial	Hand	Mitchem	
Bedsole	Dixon	Holmes	Smith (J)	
Bennett	Drinkard	Horn	Strong	
Bishop	Ellis	Langford	Teague	
Cooley				—24

Nays: —0

And said Bill, S. B. 2, as amended, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Aldridge	Cooley	Foshee	Menton	
Amari	Corbett	Goodwin	Mitchem	
Barron	deGraffenried	Hand	Smith (J)	
Bedsole	Dial	Holmes	Strong	
Bennett	Dixon	Horn	Teague	
Bishop	Drinkard	Langford		—26

Nays: —0

RESOLUTIONS

Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. NAMING THE NATATORIUM AT TROY STATE UNIVERSITY, THE "CHARLES McDOWELL LEE NATATORIUM."

WHEREAS, Charles McDowell Lee, a native of Barbour County, Alabama, currently serves, and since 1963, as Secretary of the Alabama Senate; relative to this prestigious position, he also has served as national president of the American Society of Legislative Clerks and Secretaries, on the Executive Committee of the National Conference of State Legislatures, and has held the highest possible staff office, that of Staff Vice-Chairman of NCSL; and

WHEREAS, Secretary Lee, who is a United States Navy veteran of World War II, and a former special agent of the Federal Bureau of Investigation, was educated in the public schools at Eufaula and Clio, Alabama; he attended Auburn University, graduating from Troy State College in 1950; and

WHEREAS, Mr. Lee, as a former mayor of Clio with the distinction of being the youngest man to serve in mayoral capacity in the State of

Alabama, also was a member of the Alabama Legislature for eight years; and

WHEREAS, Charles McDowell Lee further has been a longtime loyal and supportive alumnus of his Alma Mater, now Troy State University, serving as the first President Pro Tem of the university's board of trustees, from 1967 to 1980; and

WHEREAS, in appreciation for distinguished service and in recognition of his prominence, both statewide and nationally, Mr. Lee has been awarded an honorary doctorate from TSU; it is the desire, however, of the university's board of trustees that such a distinguished citizen of the State of Alabama and dedicated alumnus be more personally and uniquely honored for his most singular accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the natatorium on the campus of Troy State University as the "Charles McDowell Lee Natatorium."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said facility as the "Charles McDowell Lee Natatorium."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Lee as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. NAMING THE NEW ART BUILDING AT TROY STATE UNIVERSITY, THE "WALLACE D. MALONE, JR., HALL OF FINE ARTS."

WHEREAS, Wallace Davis Malone, Jr., of Birmingham is a prominent Alabama bank executive and civic leader who has contributed greatly to the banking industry and in numerous other areas of civic, community and statewide significance; and

WHEREAS, Mr. Malone, who is a graduate of Dothan High School, the University of Alabama with the B.S. degree and the University of Pennsylvania with the M.B.A. degree, also is the recipient of a number of honors and accolades attesting to the dedication of his service to others; and

WHEREAS, Mr. Malone's many activities and involvements include membership, office and/or board service in such organizations as the Birmingham and Alabama Chambers of Commerce, Baptist Medical Center, Eye Foundation Hospital, Boy Scouts of America, the Rotary Club, Diabetes Trust Fund, the Salvation Army, American Red Cross, the Birmingham Council of Christian Education, the University of Alabama at Birmingham and Samford University, and Mountain Brook Baptist Church among many, many others; and

WHEREAS, in supportive service to higher education, however, Mr. Malone has been, and continues, strongly allied with Troy State University, since 1975 and his appointment to the TSU Board of Trustees; he currently

serves as Chairman of Troy State University Foundation, and as President Pro Tem of the Board of Trustees, a position he assumed in 1980 succeeding C. McDowell Lee, the board's first President Pro Tem; and

WHEREAS, in light of Mr. Malone's dedicated service to Troy State University and in grateful recognition of his many contributions to the university, it is entirely fitting and proper that he be appropriately honored, in perpetuity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the new art building on the campus of Troy State University as the "Wallace D. Malone, Jr., Hall of Fine Arts."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said facility as the "Wallace D. Malone, Jr., Hall of Fine Arts."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Malone as a memento of this honorary designation of the Legislature.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

Senator Smith (J) requested and received permission to suspend the Rules and bring up the Bill:

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

And said Bill, S. B. 6, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Bennett	Foshee	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Amari	deGraffenried	Hand	Smith (J)	
Bailey	Dial	Holmes	Strong	
Barron	Dixon	Horn	Teague	
Bedsole	Drinkard	Little		—22

Nays:

—0

RESOLUTION

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Prattville Lions who roared to triumphant victory and the State 6A

Football Championship for 1984, devouring the Huntsville J. O. Johnson Jaquars, 17-7 in the finals; and

WHEREAS, the Prattville Lions, backed by solid support of an entire community, truly made '84 the Year of the Lions by presenting their fans with the City's first state football championship, a gift to be treasured and shared for many years to come; and

WHEREAS, the roster of PHS Champions includes: Wayne Averhart, Chip Bridges, Eugene Brown, Nathan Bank, Lee Sanderford, Terry Carr, Hank McLelland, Chris Turner, Derek Lee, Kevin Turner, Brent Brinson, Mark Prater, Richard Brown, Steve Maxwell, Darren Nunn, Doug Cowling, Glen Luker, Anthony Bishop, Chuck Tice, Jamie Dobbs, Eugene Thomas, Scott Donaldson, Lorenzo Pickett, Joel Nabors, Ulysses Jackson, Milton Broadnax, Sam Goodson, Louis Taylor, James Strickland, Cedric Moore, John Ford, Russell McAuley, Tad Glenn, Andrew Williams, Craig Greer, Bill Crowder, Wes Bonner, Maurice Davis, Robert Mosley, Shane Wells, Willie Pickett, Randy Rice, Gene Barber, Mike Kendrick, Charles Wood, Chris Cromwell, Mike Baker, Roger Vaughn, John McDaniel, Jimmy Smith, Fabian Mann, Jack McLeod, Donnie Smith, Steve Floyd, Len Borowski, Philip Tatum, John Daves, Steve Mannell, Jim Golson, Keith Mullins, Pratt Bedwell, Joe Flowers, Pat McCall, Jason Cannon, Kyle Glover, John Parker, Chas Cowart, Tim Knight, Eddie Brown, Jerome Barrington, Brett Crawford, Walter Wahala, Scott Tomlinson, Cliff Goff, Lee Oymond and Tracy Daniels; and

WHEREAS, a lion's share of the credit for Prattville's phenomenal season goes also, of course, to Head Coach John Glasscock and his able associates: Coaches Larry Butler, Tony Page, Rodney Miller, Ronald Harper and Glenn Register; and managers Tommy Gipson, Joey Meigs, Dusty Glasscock, Bryan Harper and Buddy Davis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we stand in tribute and salute to Alabama's 1984 6A Football Champions, the Prattville High School Lions.

BE IT FURTHER RESOLVED, That the Legislature's esteem be personally expressed through copies of this resolution provided for appropriate presentation and display at Prattville High School.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

Senator Corbett requested and received permission to suspend the Rules and bring up the Bill:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

And said Bill, S. B. 18, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Amari	deGraffenried	Hand	Sanders	
Bailey	Dial	Holmes	Smith (J)	
Barron	Dixon	Horn	Strong	
Bennett	Drinkard	Langford	Teague	
Bishop	Ellis	Little		—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith, Beers, Starr, Blakeney, Grouby, Gray, Boles, Coleman, Clark (J), Venable, Mitchell, Hooper, Burke, White (L), Bachus, Seibels, Blake, Pratt, Zoghby, Faulk, and Fuller:

H. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Also:

By Rep. Campbell:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Also:

By Reps. Crow, Laird, Bugg, Pratt, and Blake:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 2 and 28—to the Committee on Judiciary

H. B. 14—to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (Roy), Drake, Campbell, Biddle, Coleman, Harper, Gaston, Bachus, Holley, Hall, Hooper, Martin, Clark (J), Mathis, Turner, Laird, Venable, White (L), Fuller, Reed, Kvalheim, Newman, Penry, White (G), Richardson, Beers, and Zoghby:

H. 1. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975 excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage

for the state of Alabama, but not more than, for permanent partial disability benefits, \$200 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975:

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1—to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith, White (F), Starr, Blakeney, Onderdonk, Grouby, Richardson, Clark (J), Coleman, Burke, Blake, and Faulk:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

Also:

By Reps. Smith, White (F), Starr, Blakeney, Onderdonk, Grouby, Richardson, Clark (J), Coleman, Burke, Blake, and Faulk:

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Also:

By Rep. Campbell:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 11 and 12—to the Committee on Agriculture, Conservation, and Forestry

H. B. 21—to the Committee on Judiciary

(The above numbered Bill, H. B. 11, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner, Harper, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 34. URGING UNITED STATES NAVY TO LOCATE BATTLESHIP SURFACE ACTION GROUP IN MOBILE.

WHEREAS, The State of Alabama has a history of patriotism and support for the armed forces; and

WHEREAS, The State and the Port of Mobile pledge to work with the Navy in providing the best possible site at the lowest reasonable cost; and

WHEREAS, The members of the Alabama House of Representatives and the Alabama Senate, through their respective houses, also pledge their support to facilitate the location of the home port for the Surface Action Group in Mobile; and

WHEREAS, The economic benefits that accrue both to the State and locally are a positive factor, but in no way overshadow our sincere wish that the Navy locate in our state; and

WHEREAS, The State and all of its agencies, with the cooperation of the Legislature will work in any way possible to assist the Navy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely urge the Secretary

of the Navy, The Honorable John Lehman, to select Mobile and the State of Alabama as the Gulf Coast Home Port for its Battleship Surface Action Group.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Secretary of the Navy, to the Leader of the Gulf Coast Homeporting Study Team, Captain James Ridge, USN/Ret.; to the President and Vice President of the United States; to the Speaker of the U.S. House of Representatives; and to each member of the Alabama Congressional delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 34, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Pratt:

H. J. R. 36. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

Also:

By Reps. Bugg, Junkins, and Ford:

H. J. R. 37. COMMENDING AND CONGRATULATING COACH BUSTER GROSS AND EMMA SANSOM HIGH SCHOOL OF GADSDEN, ALABAMA, OUR STATE 5A, 1984 FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 36 and 37, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rice:

H. J. R. 35. WHEREAS, Paul and Jonathen Woodall are the sons of Dr. and Mrs. Keith Woodall of 1805 Whittelsey Court, Opelika, Alabama; and

WHEREAS, Paul and Jonathen were roaming in the woods near their Opelika home with close friend, David Mims of Sylacauga, who was visiting the Woodall brothers on the weekend of November 23, 1984; and

WHEREAS, Paul, Jonathen and David were swinging on vines in a canebreak when David tripped and fell on one of the canes that had been cut and punctured the femoral artery and began to bleed profusely; and

WHEREAS, Jonathen hurriedly returned to the Woodall home to telephone for medical help and Paul stayed with David, keeping his leg elevated and helping him take deep breaths; and

WHEREAS, Jonathen directed the rescue team to the location of David and Paul, where David was given proper medical attention, placed in an ambulance, transported to the Opelika hospital and underwent surgery for nearly two hours; and

WHEREAS, medical authorities state that except for the alertness of the Woodall boys and their ready knowledge of whom to call, David Mims possibly would not have survived this ordeal; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Paul and Jonathen Woodall are hereby commended for their quick thinking and action which saved the life of their good friend David Mims.

BE IT FURTHER RESOLVED, That Paul and Jonathen be presented a copy of this resolution as a token of our high praise and esteem as we wish them well in all future endeavors.

RESOLVED FURTHER, That David Mims be presented a copy of this resolution as we commend him for his bravery and wish him well in all his future endeavors.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 35, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Also:

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

CHARLES BISHOP,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Also:

By Rep. Cosby:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Also:

By Rep. Holley:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 24—to the Committee on Agriculture, Conservation, and Forestry

H. B. 18—to the Committee on Governmental Affairs

H. B. 26—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900.00 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 23—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 38. NAMING COUNTY ROAD 11, IN DEKALB COUNTY, ALABAMA, WHICH INTERSECTS WITH CERTAIN PORTIONS OF COUNTY ROAD 46 AND COUNTY ROAD 58, THE "E.M. GALLOWAY COUNTY ROAD."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 38, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint

Resolution delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 2

Delivered to the Governor, December 19, 1984, at 12:35 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing réport of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:20 P.M., in accordance with Motions heretofore adopted, the Senate adjourned until Thursday, December 20, 1984, at 4 o'clock P.M.

**FOURTH LEGISLATIVE DAY
THURSDAY, DECEMBER 20, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Rurel R. Ausley, Associate Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Pallas P. Turner, Sidney Lanier High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Figures	Little
Aldridge	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hand	Parsons
Bedford	Dial	Hilliard	Sanders
Bedsole	Dixon	Holmes	Smith (J)
Bennett	Drinkard	Horn	Strong
Bishop	Ellis	Langford	Teague
Cabaniss			

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Amari, Denton, and Smith (B) for today.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith, Beers, Starr, Blakeney, Grouby, Gray, Boles, Coleman, Clark (J), Venable, Mitchell, Hooper, Burke, White (L), Bachus, Seibels, Blake, Pratt, Zoghby, Faulk, and Fuller:

H. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

By Rep. Campbell:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

By Rep. Harper:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900.00 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

By Rep. Campbell:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Crow, Laird, Bugg, Pratt and Blake:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith, White (F), Starr, Blakeney, Onderdonk, Grouby, Richardson, Clark (J), Coleman, Burke, Blake, and Faulk:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Smith, White (F), Starr, Blakeney, Onderdonk, Grouby, Richardson, Clark (J), Coleman, Burke, Blake, and Faulk:

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

By Rep. Harper:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Turnham and Rice (With Notice and Proof):

H. 9. Relating to Lee County, providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

By Rep. Starr (With Notice and Proof):

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

RESOLUTIONS

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING UNITED STATES CONGRESSMAN JACK EDWARDS OF MOBILE, ALABAMA.

WHEREAS, the Honorable Jack Edwards of Mobile, Alabama, has served with distinction in the United States House of Representatives for the past 20 years and is recently retired following ten consecutive terms in The Congress; and

WHEREAS, during his prestigious tenure, Mr. Edwards distinguished himself through exemplary and dedicated service to the citizens of Alabama's 1st Congressional District, our state and the nation; and

WHEREAS, Congressman Edwards, in dedicated commitment, assumed a leadership role in the successful completion of the Tennessee-Tombigbee Waterway, the interstate highway system for the State of Alabama, the expansion and improvement of the Port of Mobile and the new Federal Building in Mobile; and

WHEREAS, he further served Alabama and the nation as the ranking minority member on the Defense Sub-committee and the House Appropriations Committee; and

WHEREAS, Congressman Edwards also was a leader in service to industry in an effort to improve employment opportunities for all Alabamians, and has been a longtime leader in a hard-fought battle to promote conservation and to preserve Alabama's natural resources; and

WHEREAS, in Jack Edwards' absence from the Congress, the State of Alabama and our nation has indeed lost a strong voice for and staunch proponent of fiscal responsibility, reason, right and conservatism; he is a truly honorable man, a distinguished Alabamian and American patriot; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere and deep gratitude to Congressman Jack Edwards of Mobile and commend him most highly on his most singular congressional career.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Edwards that he may know of our sincere regard for his numerous accomplishments and of our warm wishes for every continued success in life.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. CONGRATULATING MISS ANN LOUISE ZACHARY OWNER OF "BUDDY," ALABAMA'S MOST FAMOUS CANINE.

WHEREAS, it is with utmost pride and pleasure that our state once again shares the fame of national championship with the selection of "Buddy" as the winner of the super bowl of canine contests sponsored by the Purina Corporation; and

WHEREAS, on November 20, 1984, "Buddy," who is the pet golden retriever of Miss Ann Louise Zachary of Lanett, Alabama, was crowned as the champion of Purina Dog Chow's "Great American Dog" contest; and

WHEREAS, as the national Great American Dog, Buddy's picture will appear on millions of bags of Purina Dog Chow and, for his young owner,

"Buddy" fetched a twenty-five thousand dollar bone as a blue-ribbon, first prize cash award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Miss Ann Louise Zachary of Lanett, Alabama, and direct that she receive a copy of this resolution expressing the Legislature's sincere warm praise and highest personal regard.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Aldridge offered the following Senate Resolution, to-wit:

S. R. 36. COMMENDING LEONARD LANIER AND JOE BRIGHT FOR THEIR BRAVERY IN RESCUING KAREN OTTINGER FROM THE TENNESSEE RIVER.

Which was adopted.

Senator Aldridge then offered the following Senate Resolution, to-wit:

S. R. 37. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO PENDING H.B. 1, OF THE 1984 SECOND SPECIAL SESSION, RELATING TO AMENDING SECTIONS OF TITLE 25, CHAPTER 5, CODE OF ALABAMA 1975, AS AMENDED, AND "CO-EMPLOYEE LAWSUITS."

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority, to give their written opinions of the following important constitutional questions which have arisen concerning H.B. 1 of the 1984 Second Special Session, pending before this body, which pertains to certain workers' compensation statutes in Title 25, Chapter 5, Code of Alabama 1975, as amended and injured employees' causes of action and wrongful death actions of certain workers. H.B. 1 of the 1984 2nd Special Session was introduced in the House of Representatives on the first legislative day of said session, December 17, 1984, and received its second and third readings on the second and third legislative days, December 18 and 19, 1984, respectively; it was duly passed by the Alabama House of Representatives on said December 19, 1984, and transmitted to this body where it has received its first reading, and was substituted in the Senate Business and Labor Committee.

1. Section 1 of said bill states in pertinent part: "The intent of the legislature is to provide complete immunity to employers and limited immunity to officers, directors, agents, servants or employees of the same employer and to the workers' compensation insurance carrier and compensation service companies of the employer or any officer, director, agent, servant or employee of such carrier or company and to labor unions and to any official or representative thereof, from civil liability for all causes of action except those based on willful conduct and such immunity is an essential aspect of the workers' compensation scheme. The legislature hereby expressly reaffirms its intent, as set forth in Section 25-5-53, as amended herein, and Sections 25-5-144 and 25-5-194 of the Code of Alabama 1975, regarding the exclusivity of the rights and remedies of an injured employee, except as provided for herein."

A. Does the subject matter of pending H.B. 1 of the 1984 Second Special Session and the intent of the Legislature, as expressed in Section 1, require a constitutional amendment?

2. Does pending H.B. 1 of the 1984 Second Special Session, violate Section 13 of the Constitution of 1901?

3. Does pending H.B. 1 of the 1984 Second Special Session contravene Section 10 of the Constitution of 1901?

4. Does said H.B. 1 violate the provisions of the Fourteenth Amendment of the United States Constitution?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of pending H.B. 1 of the 1984 Second Special Session, to the Supreme Court of Alabama and shall transmit this request to the Justices forthwith upon adoption of this resolution.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 38. COMMENDING MR. THORNTON GARVIN OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. R. 39. COMMENDING HUNTSVILLE PHYSICIAN, DR. PETER C. BOOKER, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 40. COMMENDING DR. OSCAR N. MAXWELL OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 41. COMMENDING DR. JOHN RICHARD MONTGOMERY OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 42. COMMENDING MR. WADE A. HUBERT OF NEW MARKET, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Which were read and referred to the Standing Committee on Rules.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. BE IT RESOLVED BY the Legislature of Alabama, both houses concurring, that when we adjourn today, we reconvene on Thursday, January 3rd, 1985.

Senator deGraffenried offered the following substitute for the Resolution, S.J.R. 43, to-wit:

SUBSTITUTE FOR S. J. R. 43

BE IT RESOLVED BY THE Legislature of Alabama, both Houses concurring, that when we adjourn today, Thursday, December 20, 1984, we reconvene on Friday, December 21, 1984.

Senator deGraffenried moved that said substitute be adopted, which resulted in a tie vote.

SECOND EXTRAORDINARY SESSION
4th Day

75

Yeas 16; Nays 16.

Yeas:

Senators:	Cabaniss	Dixon	Little
Aldridge	Covington	Foshee	Menton
Bailey	deGraffenried	Hand	Mitchem
Barron	Dial	Holmes	Strong
Bedford			

—16

Nays:

Senators:	Corbett	Goodwin	Parsons
Bedsole	Drinkard	Hilliard	Sanders
Bennett	Ellis	Horn	Smith (J)
Bishop	Figures	Langford	Teague
Cooley			

—16

And the President and Presiding Officer of the Senate voted "Nay", therefore the substitute was lost.

On motion of Senator Teague, the Rules were suspended and the Resolution was then adopted by the Senate.

RECESS

At 5:40 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 7:10 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

BILLS ON THIRD READING

THE BILL:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

was taken up.

On motion of Senator Ellis, further consideration of the Bill, S.B. 3, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 43. RELATIVE TO ADJOURNMENT WITHOUT PAY OR PER DIEM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cooley, the Senate non-concurred in the following House amendment to the Resolution, S.J.R. 43, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. J. R. 43

BE IT RESOLVED by the House of Representatives, the Senate thereof concurring, that when the two houses adjourn today, Thursday December 20, 1984, they adjourn to meet again on Thursday, January 3, 1985, without pay or per diem.

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Horn, Hilliard, and Langford.

RECESS

At 7:18 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

The recess period having expired at 8:53 P.M., the Senate was called to order by Lieutenant Governor Baxley.

On a call of the roll, the following Senators responded to their names:

Senators:	deGraffenried	Horn	Parsons
Aldridge	Drinkard	Langford	Smith (J)
Bedford	Foshee	Little	Strong
Corbett	Hilliard	Menton	Teague
Covington	Holmes	Mitchem	

—18

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Joint Resolution.

S. J. R. 43. RELATIVE TO ADJOURNMENT WITHOUT PAY OR PER DIEM.

And the Speaker of the House has appointed as Committee on the part of the House Reps. Holley, Johnson (Roy) and Davis.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 8:55 P.M., on motion of Senator Hilliard, the Senate adjourned until January 3, 1985, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY
THURSDAY, JANUARY 3, 1985

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Wayne Baker, Minister, Highland Church of Christ at Carriage Hills, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Gini Beth Borden, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Foshee	Mitchem
Aldridge	Corbett	Goodwin	Parsons
Amari	Covington	Hand	Sanders
Bailey	deGraffenried	Hilliard	Smith (B)
Barron	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	
Cabaniss	Figures	Menton	

—33

JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Bedford and Denton for today.

NOTICE IN WRITING

Senator Cabaniss offered the following Notice in Writing, to-wit:

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule 62 as follows:

RULE 62. Except through recall by the Senate as hereinafter provided, no bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned. Any bill referred by any means to a standing committee may be recalled by the Senate through a Motion receiving the affirmative votes of a majority of the members present if such recall occurs after the expiration of 4 legislative days after the date of reference or through a Motion receiving the affirmative votes of three quarters of the members present if such recall occurs before the expiration of 4 legislative days after the date of reference.

Any bill may be recalled from a standing committee by the Senate pursuant to this rule, regardless of what action such committee may or may not have theretofore taken with respect to such bill, and such bill, in the discretion of the Senate, may be recalled in the original form referred to such committee or in any amended or substituted form, reflecting prior action of such committee. Any bill recalled by the Senate pursuant to this rule, shall be referred to another standing committee either by the President or other presiding officer or, in the discretion of the Senate, by Motion of the Senate receiving the affirmative votes of a majority of the members present, and such bill may be referred to another standing committee by action of the Senate regardless of the jurisdiction of such committee as set forth in other Rules of the Senate.

Any Motion made pursuant to this Rule shall be deemed to be in order at any time.

Which was read and ordered spread upon the Journal.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

**S. J. R. 3. COMMENDING LONGTIME LITTLE LEAGUE COACH
CHICK EARLE OF ANDALUSIA, ALABAMA.**

Also:

**S. J. R. 4. EXPRESSING APPRECIATION TO CAPITOL HOST-
ESS, MRS. MARIE WALKER, AND OTHER CAPITOL EMPLOYEES.**

Also:

S. J. R. 8. COMMENDING HOMEWOOD HIGH SCHOOL AND HOMEWOOD MIDDLE SCHOOL FOR BEING SELECTED AS AMONG THE NATION'S BEST IN 1983-84.

Also:

S. J. R. 9 COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

Also:

S. J. R. 10. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

IN MEMORIAM

FINIS EWING ST. JOHN, III
1933-1984

ALABAMA HOUSE
OF REPRESENTATIVES
1971-1974

ALABAMA SENATE
1975-1982

PRESIDENT
PRO TEMPORE
ALABAMA SENATE
1979-1982

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time and referred to the appropriate standing committee, as follows:

By Senator Drinkard:

S. 32. Proposing an amendment to the Constitution of Alabama 1901, relating to the legal actions, rights, and benefits by employees covered under workers' compensation laws.

Committee on Constitutional Revision

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 17. MOURNING THE DEATH OF MARVIN J. PRICE OF FAYETTE COUNTY, ALABAMA.

Also:

S. J. R. 18. COMMENDING TODD H. KNOWLTON OF FAYETTE COUNTY.

Also:

S. J. R. 19. COMMENDING MAYOR BARBARA BOBO OF MILLPORT, ALABAMA.

Also:

S. J. R. 20. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

Also:

S. J. R. 21. COMMENDING MR. AND MRS. EARNEST WILBERT ROBINSON, JR., ON THEIR LONGTIME CAREERS WITH WEST POINT-PEPPERELL, INC.

Also:

S. J. R. 31. NAMING THE NATATORIUM AT TROY STATE UNIVERSITY, THE "CHARLES McDOWELL LEE NATATORIUM."

Also:

S. J. R. 32. NAMING THE NEW ART BUILDING AT TROY STATE UNIVERSITY, THE "WALLACE D. MALONE, JR., HALL OF FINE ARTS."

Also:

S. J. R. 33. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

S. J. R. 34. COMMENDING UNITED STATES CONGRESSMAN JACK EDWARDS OF MOBILE, ALABAMA.

Also:

S. J. R. 35. CONGRATULATING MISS ANN LOUISE ZACHARY OWNER OF "BUDDY," ALABAMA'S MOST FAMOUS CANINE.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Cosby:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Drinkard:

S. 5. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

By Senators Menton and Figures:

S. 9. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Substitute):

S. 30. To amend Sections 16-36-2 and 13A-14-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee and to require open meetings.

ADJOURNMENT

At 2:30 P.M., on motion of Senator Teague, the Senate adjourned until Friday, January 4, 1985, at 1:30 P.M.

SECOND EXTRAORDINARY SESSION
5th Day

83

Yeas 18; Nays 9.

Yeas:

Senators:	Cabaniss	Figures	Menton	
Amari	Corbett	Foshee	Sanders	
Bailey	Covington	Hilliard	Smith (J)	
Bennett	deGraffenried	Horn	Teague	
Bishop	Ellis	Langford		—18

Nays:

Senators:	Dixon	Little	Smith (B)	
Barron	Hand	Mitchem	Strong	
Bedsole	Holmes			—9

**SIXTH LEGISLATIVE DAY
FRIDAY, JANUARY 4, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Dale Chambliss, Associate Pastor, First Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Crawford Jones, Prattville Jr. High School, Prattville, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Denton for today.

MOTION IN WRITING

Senators Cabaniss and Dixon offered the following Motion in Writing, to-wit:

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule 62 of the Rules of the Senate be amended to read as follows:

RULE 62. Except through recall by the Senate as hereinafter provided, no bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned. Any bill referred by any means to a standing committee may be recalled by the Senate through a Motion receiving the affirmative votes of a majority of the members present if such recall occurs after the expiration of 4 legislative days after the date of reference or through a Motion receiving the affirmative votes of three quarters of the members present if such recall occurs before the expiration of 4 legislative days after the date of reference.

Any bill may be recalled from a standing committee by the Senate pursuant to this rule, regardless of what action such committee may or may not have theretofore taken with respect to such bill, and such bill, in the discretion of the Senate, may be recalled in the original form referred to such committee or in any amended or substituted form, reflecting prior action of such committee. Any bill recalled by the Senate pursuant to this rule, shall be referred to another standing committee either by the President or other presiding officer or, in the discretion of the Senate, by Motion of the Senate receiving the affirmative votes of a majority of the members present, and such bill may be referred to another standing committee by action of the Senate regardless of the jurisdiction of such committee as set forth in other Rules of the Senate.

Any Motion made pursuant to this Rule shall be deemed to be in order at any time.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Moore, Tanner, and Smith:

H. J. R. 46. COMMENDING THE BOARD OF TRUSTEES AND PRESIDENT JIM VICKREY OF THE UNIVERSITY OF MONTEVALLO.

Also:

By Rep. Bugg:

H. J. R. 48. COMMENDING EMMA SANSOM HIGH SCHOOL'S GENE JELKS, CLASS 6A-5A PLAYER OF THE YEAR.

Also:

By Rep. Bugg:

H. J. R. 49. CONGRATULATING COACH BUSTER GROSS OF EMMA SANSOM HIGH SCHOOL, CLASS 6A-5A COACH OF THE YEAR.

Also:

By Reps. Holmes, Holley, Johnson (Roy), and Spratt:

H. J. R. 50. MEMORIALIZING ALABAMA'S CONGRESSIONAL DELEGATION TO RESIST EFFORTS BY PRESIDENT REAGAN AND HIS ADMINISTRATION TO REDUCE AND/OR ELIMINATE FUNDING FOR VARIOUS SOCIAL PROGRAMS AND OTHER BENEFITS.

Also:

By Reps. Hooper, Gaston, Rice, Flowers, Cosby, White (G), Gray, Kvalheim, Harper, McMillan, Lindsey, Preuitt, Carothers, Mikell, Starr, and Seibels:

H. J. R. 52. REQUESTING THE CONGRESS OF THE UNITED STATES TO REQUIRE THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES AND THAT THE PRESENT NATIONAL DEBT BE VOID.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 46, 48, and 49, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolutions, H. J. R.'s 50 and 52, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Horn, Langford, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. COMMENDING SENATOR T. D. (TED) LITTLE OF AUBURN, ALABAMA ON HIS ELECTION AS CHAIRMAN OF THE SOUTHERN LEGISLATIVE CONFERENCE.

WHEREAS, Senator Ted Little has been very active for the past several years in the affairs of the National Conference of State Legislatures and Council of State Governments, serving both organizations through committee membership; and

WHEREAS, Senator Little, however, has been most particularly involved in leadership with the Southern Legislative Conference as Chairman of the Fiscal Affairs and Government Operations Committee, 1982-83, as a member of the Executive Committee for the 1983-86 term, and now in the organization's highest office as Chairman of the entire Southern Conference, a

sixteen-member geographical entity of the Council of State Governments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend with pride our good friend and colleague, Senator Ted Little of Auburn, to whom a copy of this resolution shall be presented in expression of our personal pleasure in his accomplishments.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Resolution, to-wit:

S. R. 45. CONGRATULATING JOHNNY CRAWFORD, ASSISTANT SECRETARY OF THE ALABAMA SENATE AND ASSOCIATE VICE PRESIDENT OF THE AMERICAN SOCIETY OF LEGISLATIVE CLERKS AND SECRETARIES.

WHEREAS, the Alabama Senate expresses highest personal commendation of Johnny Crawford, Assistant Secretary of the Senate, upon his election to the newly created position of associate vice president of the American Society of Legislative Clerks and Secretaries; and

WHEREAS, in further distinction, Mr. Crawford also is the first associate member of the society ever to serve on the Executive Committee of ASLCS, the largest arm of the National Conference of State Legislatures; and

WHEREAS, Mr. Crawford's assumption of these prestigious national posts is a reflection of the regard in which he is held by the membership of ASLCS and a preceptive selection which brings great honor to the Alabama Senate and the State of Alabama as well; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we herein extend heartiest congratulations to our friend and colleague, Johnny Crawford, and direct that he receive a copy of this commendatory resolution expressive of our warmest personal regard.

Which was adopted.

MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 19, on page 2 of the Sixth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 19, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. MOURNING THE DEATH OF JOHN T. REID OF SCOTTSBORO, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of John T. Reid of Scottsboro, Alabama, on November 27, 1984, at the age of 72 years; and

WHEREAS, Mr. Reid, one of our State's most prominent political and civic leaders, was a former, five-term Mayor of the City of Scottsboro whose prestigious and productive tenure spanned a period of some 20 years; and

WHEREAS, Mayor Reid, beginning in 1956, assumed the helm of municipal leadership and is credited with steering the City of Scottsboro into an era of healthful industrial expansion and unprecedented municipal improvements; and

WHEREAS, he was a past member and president of the Alabama League of Municipalities, the North Alabama Industrial Development Association and the Tennessee, Alabama and Georgia Industrial Development Association, and was a former member of the Community Development and Environmental Committees of the National League of Cities; and

WHEREAS, in civic and community leadership, Mayor Reid was a Deacon and former Sunday School teacher at the First Baptist Church and served for a number of years as a counselor for Eagle Scout aspirants; he was a graduate of Jackson County High School, a former longtime businessman and a United States Army veteran of World War II; and

WHEREAS, in the death of Mayor John T. Reid, the City of Scottsboro has indeed lost a true champion and staunch supporter in the cause of progress and prosperity for an entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of John T. Reid of Scottsboro, Alabama, and extend our very deepest sympathy to his wife and daughter, Mrs. Mary Reid and Mrs. Rosa Reid Baty, and to other family members whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Barron and Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 47. MOURNING THE DEATH OF JOE JOHN MONEY OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama grievously notes the death of Joe John Money of Birmingham, Alabama, on November 28, 1984, at the age of 73 years; and

WHEREAS, formerly a resident of Scottsboro and a former member of the State Legislature, Mr. Money held the distinction of being the only member of the Alabama House of Representatives to have served separate terms from different counties—his native Jackson County and from Jefferson County as well; and

WHEREAS, he further was a former candidate for both governor and lieutenant governor of Alabama, and had served on the Governor's Conference on Transportation and was Chairman of the Governor's Commission of Industrial Relations; and

WHEREAS, Mr. Money also was a prominent Alabama businessman whose corporation included businesses in Birmingham, Montgomery, Huntsville and Mobile, and he was a member of the Alabama Road Builders Association and the Association of Equipment Dealers; and

WHEREAS, in civic and community responsibility, Mr. Money was an early developer and supporter of the University of Alabama School of Medicine in Birmingham and was a member of the Sertoma Club, Fred Kelly Bible Class and Canterbury Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved and saddened by the death of Joe John Money of Birmingham, Alabama, and direct that copies of this resolution of sympathy be forwarded to his wife, Mrs. Helen Stewart Money, and his son, daughter and to other family members whose sorrow also is ours.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith:

H. J. R. 41. COMMENDING THE MAPLESVILLE HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Hand, the Rules were suspended and the Resolution, H. J. R. 41, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

NOTICE IN WRITING

Senator Little offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule 62 as follows:

RULE 62. (a) No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned except as provided herein.

(b) Upon a vote of a majority of the whole Senate any standing committee may be directed to act on any bill which shall have been referred to such committee, and to report the same to the Senate at its next sitting, in default of which such committee, or any of its members, shall be subject to such censure as the Senate may impose. Provided, that one day's notice in writing shall have been given to the Senate immediately after the call of the districts.

Which was read and ordered spread upon the Journal.

BILLS ON THIRD READING

THE BILL:

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Aldridge	Cooley	Foshee	Mitchem	
Amari	Corbett	Hand	Parsons	
Barron	Covington	Holmes	Smith (B)	
Bedford	Dial	Horn	Smith (J)	
Bedsole	Dixon	Little	Teague	
Bennett	Drinkard			—25

Nays: —0

THE BILL:

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Aldridge	Cooley	Foshee	Menton	
Amari	Corbett	Hand	Parson	
Barron	Covington	Holmes	Smith (B)	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford	Teague	
Bishop	Drinkard			—25

Nays: —0

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the Bill:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

And said Bill, H. B. 28, was read a third time at length and passed.

SECOND EXTRAORDINARY SESSION
6th Day

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Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Menton	
Bailey	Dial	Hilliard	Mitchem	
Barron	Dixon	Holmes	Parsons	
Bedford	Drinkard	Horn	Smith (B)	
Bedsole	Ellis	Langford	Smith (J)	
Bennett	Foshee	Little	Strong	
Cabaniss	Goodwin			—25

Nays: —0

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the Bill:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

And said Bill, H. B. 18, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hand	Parsons	
Bedford	Dial	Holmes	Sanders	
Bedsole	Dixon	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Cabaniss	Figures	Little	Strong	—27

Nays: —0

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

And said Bill, H. B. 11, was read a third time at length as required by the Constitution, and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Aldridge	Cooley	Goodwin	Menton	
Amari	Corbett	Hand	Mitchem	
Bailey	Covington	Hilliard	Sanders	
Barron	deGraffenried	Holmes	Smith (B)	
Bedford	Dial	Horn	Smith (J)	
Bedsole	Dixon	Langford	Strong	
Bennett				—28

Nays: —0

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the Bill:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

And said Bill, H. B. 26, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Amari	Corbett	Goodwin	Menton	
Bailey	Covington	Hand	Mitchem	
Barron	deGraffenried	Hilliard	Parsons	
Bedford	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Horn	Smith (J)	
Bennett	Drinkard	Langford	Strong	—27

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 17. MOURNING THE DEATH OF MARVIN J. PRICE OF FAYETTE COUNTY, ALABAMA.

Also:

S. J. R. 18. COMMENDING TODD H. KNOWLTON OF FAYETTE COUNTY, ALABAMA.

Also:

S. J. R. 19. COMMENDING MAYOR BARBARA BOBO OF MILLPORT, ALABAMA.

Also:

S. J. R. 20. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

Also:

S. J. R. 21. COMMENDING MR. AND MRS. EARNEST WILBERT ROBINSON, JR., ON THEIR LONGTIME CAREERS WITH WEST POINT-PEPPERELL, INC.

Also:

S. J. R. 31. NAMING THE NATATORIUM AT TROY STATE UNIVERSITY, THE "CHARLES McDOWELL LEE NATATORIUM."

Also:

S. J. R. 32. NAMING THE NEW ART BUILDING AT TROY STATE UNIVERSITY, THE "WALLACE D. MALONE, JR., HALL OF FINE ARTS."

Also:

S. J. R. 33. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

S. J. R. 34. COMMENDING UNITED STATES CONGRESSMAN
JACK EDWARDS OF MOBILE, ALABAMA.

Also:

S. J. R. 35. CONGRATULATING MISS ANN LOUISE ZACHARY
OWNER OF "BUDDY," ALABAMA'S MOST FAMOUS CANINE.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

having been postponed subject to the call of the Chair on the Fourth Legislative Day, was taken up.

Senator Ellis offered the following amendment to the Bill, S. B. 3, to-wit:

AMENDMENT TO S. B. 3

Amend S. B. 3 on page 2 by deleting in its entirety line 6 and inserting in lieu thereof the following:

\$6,000 made by or on behalf of any county commissions and

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Dixon	Langford
Aldridge	Cabaniss	Drinkard	Little
Amari	Cooley	Ellis	Menton
Bailey	Corbett	Goodwin	Sanders
Barron	deGraffenried	Hand	Smith (B)
Bedsole	Dial	Holmes	Strong

—23

Nays:

—0

And said Bill, S. B. 3, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0

Yeas:

Senators:	Corbett	Hand	Menton	
Aldridge	deGraffenried	Hilliard	Mitchem	
Amari	Dial	Holmes	Parsons	
Bailey	Dixon	Horn	Smith (B)	
Barron	Ellis	Langford	Smith (J)	
Bedford	Goodwin	Little	Strong	
Cabaniss				—24

Nays: —0

Senator Holmes requested and received permission to suspend the Rules in order to bring up the Bill:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

Senator Hilliard offered the following substitute for the Bill, H. B. 14, to-wit:

SUBSTITUTE FOR H. B. 14

A BILL TO BE ENTITLED AN ACT

To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-12-31, Code of Alabama 1975, is hereby amended to read as follows:

“§12-12-31.

“(a) The district court shall exercise exclusive jurisdiction over all civil actions in which the matter in controversy, exclusive of interest and costs, does not exceed ~~\$500.00~~ \$700.00. These actions shall be placed on a small claims docket by each district court and shall be processed according to uniform rules of simplified civil procedure as may be promulgated by the supreme court.

“(b) A party, including an individual, partnership, or corporation, may appear in cases on the small claims docket of district court with or without representation by an attorney; provided, however, that if a partnership appears without representation by an attorney, the person representing the partnership shall be a partner or employee of the partnership; and provided further, that if a corporation appears without representation by an attorney, the person representing the corporation shall be an officer or full-time employee of the corporation.

“(c) No party shall seek or recover any judgment in a case on the small claims docket which includes an award of attorney fees unless such party is represented by a licensed attorney.

“(d) No action shall be filed or prosecuted on the small claims docket by an assignee of the claim which is the subject matter of the action without being represented by a licensed attorney; nor shall any person, firm or corporation, excluding licensed attorneys, file or prosecute such an action on behalf of the original owner of the claim.

“(e) No action may be filed or prosecuted on the small claims docket by any individual whose license to practice law, at the time of filing or prosecution, has been revoked, suspended or otherwise impaired for disciplinary reasons by the Alabama board of bar commissioners or the Alabama supreme court.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Hilliard then offered the following amendment to the substitute for the Bill, H. B. 14, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 14

Amend H. B. 14 Page 1, Line 27, by inserting 1,000 and inserting \$600.00

Senator Hilliard moved that further consideration of the Bill, H. B. 14, and pending amendment and substitute, be postponed until the Seventh Legislative Day.

Senator Holmes offered a substitute motion that further consideration of the Bill, H. B. 14, and pending amendment and substitute, be postponed subject to the call of the Chair, which motion was adopted.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 48. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on the third reading for the sixth legislative day of the 1984-1985 Second Special Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id	Page
S. 19 Workmen's Compensation, brown lung disease, subject to	At the end of the Regular Order Calendar.

Senator Bishop moved that the Resolution, S. R. 48, be adopted.

Senator Hilliard offered a substitute motion that further consideration of the Resolution, S. R. 48, be postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

Also:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Also:

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

Also:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Also:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Also:

H. J. R. 41. COMMENDING THE MAPLESVILLE HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 46 COMMENDING THE BOARD OF TRUSTEES AND PRESIDENT JIM VICKREY OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 48. COMMENDING EMMA SANSOM HIGH SCHOOL'S GENE JELKS, CLASS 6A-5A PLAYER OF THE YEAR.

Also:

H. J. R. 49. CONGRATULATING COACH BUSTER GROSS OF EMMA SANSOM HIGH SCHOOL, CLASS 6A-5A COACH OF THE YEAR.

Also:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

CHARLES BISHOP,
Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time and referred to the appropriate standing committee, as follows:

By Senator Bedsole:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an insured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety

inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to amend Section 25-5-90 to provide for an increased limit on attorneys fees to 20% of the compensation awarded or paid; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Committee on Industrial Expansion, Economic Growth, and Jobs.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

SECOND EXTRAORDINARY SESSION
6th Day

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S. J. R. 3

S. J. R. 4

S. J. R. 8

S. J. R. 9

S. J. R. 10

Delivered to the Governor, January 4, 1985, at 12:55 P.M.

S. J. R. 17

S. J. R. 18

S. J. R. 19

S. J. R. 20

S. J. R. 21

S. J. R. 31

S. J. R. 32

S. J. R. 33

S. J. R. 34

S. J. R. 35

Delivered to the Governor, January 4, 1985, at 5:30 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

The hour of midnight having arrived, the Senate adjourned until Saturday, January 5, 1985, at 10 o'clock A.M.

**SEVENTH LEGISLATIVE DAY
SATURDAY, JANUARY 5, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Phillip Gray, Goodwyn Jr. High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	

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JOURNAL

On motion of Senator Cooley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Cooley, leave of absence was granted Senator Denton for today.

MOTION TO ADJOURN

Senator Cooley moved that when the Senate adjourns today, it adjourn to meet again on Sunday, January 6, 1985, at 12:01 A.M., which motion was adopted.

Yeas 19; Nays 7.

Yeas:

Senators:	Cooley	Ellis	Holmes
Bailey	Covington	Figures	Little
Bennett	deGraffenried	Foshee	Menton
Bishop	Dial	Goodwin	Mitchem
Cabaniss	Dixon	Hand	Smith (B)

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Nays:

Senators:	Corbett	Hilliard	Langford
Aldridge	Drinkard	Horn	Teague

—7

REPORTS OF COMMITTEES

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee

or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to amend Section 25-5-90 to provide for an increased limit on attorneys fees to 20% of the compensation awarded or paid; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

MOTION IN WRITING

Senator Little offered the following Motion in Writing, to-wit:

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule 62 of the Rules of the Senate be amended to read as follows:

RULE 62. (a) No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned except as provided herein.

(b) Upon a vote of a majority of the whole Senate any standing committee may be directed to act on any bill which shall have been referred to such committee, and to report the same to the Senate at its next sitting, in default

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of which such committee, or any of its members, shall be subject to such censure as the Senate may impose. Provided, that one day's notice in writing shall have been given to the Senate immediately after the call of the districts.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 48

The Senate proceeded to further consideration of the Resolution:

S. R. 48. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the sixth legislative day of the 1985 Second Special Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id	Page
S. 19 Workmen's Compensation, brown lung disease, subject to	At the end of the Regular Order Calendar.

The question was on the substitute motion of Senator Hilliard that further consideration be temporarily postponed.

On motion of Senator deGraffenried, said motion to postpone was laid on the table.

And, on motion of Senator deGraffenried, the Resolution, S. R. 48, was then adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Special, paramount, and continuing order of business for today, which was the Bill:

S. 19 To supplement the Workmen's Compensation Act, so as to provide compensation for disability or death due to Cotton Textile Workers Lung Disease; to provide that the provisions of this act shall apply to employment contracts made on or after September 1, 1971; to provide for the manner of compensation, the rights and remedies of employees and civil and criminal liability of employers; and to provide for a limitation period of claims for compensation.

Senator Bishop offered the following substitute for the Bill, S.B. 19, to-wit:

SUBSTITUTE FOR S. B. 19

**A BILL
TO BE ENTITLED
AN ACT**

To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide

the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to amend Section 25-5-90 to provide for an increased limit on attorneys fees to 20% of the

compensation awarded or paid; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature finds that actions filed on behalf of injured employees against officers, directors, agents, servants or employees of the same employer seeking to recover damages in excess of amounts received or receivable from the employer under the workers' compensation statutes of this state and predicated upon claimed negligent or wanton conduct resulting in injuries arising out of and in the course of employment are contrary to the intent of the legislature in adopting a comprehensive workers' compensation scheme and are producing a debilitating and adverse effect upon efforts to retain existing, and to attract new industry to this state. Specifically, the existence of such causes of action places this state at a serious disadvantage in comparison to the existing laws of other states with whom this state competes in seeking to attract and retain industrial operations which would provide better job opportunities and increased employment for people in this state. The existence of such causes of action, and the consequent litigation resulting therefrom, results in substantial costs and expenses to employers which, as a practical matter, must either procure additional liability insurance coverage for supervisory and management employees or fund the costs of defense, judgment or settlement from their own resources in order to retain competent and reliable personnel. The existence of such causes of action has a disruptive effect upon the relationship among employees and supervisory and management personnel. There is a total absence of any reliable evidence that the availability of such causes of action has resulted in any reduction of the number of severity of on-the-job accidents or of any substantial improvement on providing safe working conditions and work practices. The intent of the legislature is to provide complete immunity to employers and limited immunity to officers, directors, agents, servants or employees of the same employer and to the workers' compensation insurance carrier and compensation service companies of the employer or any officer, director, agent, servant or employee of such carrier or company and to labor unions and to any official or representative thereof, from civil liability for all causes of action except those based on willful conduct and such immunity is an essential aspect of the workers' compensation scheme. The legislature hereby expressly reaffirms its intent, as set forth in Section 25-5-53, as amended herein, and Sections 25-5-144 and 25-5-194 of the Code of Alabama 1975, regarding the exclusivity of the rights and remedies of an injured employee, except as provided for herein.

Section 2. Section 25-5-1 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-1.

“Throughout this chapter, the following words and phrases as used therein shall be considered to have the following meanings, respectively, unless the context shall clearly indicate a different meaning in the connection used:

“(1) **COMPENSATION.** Such term indicates the money benefits to be paid on account of injury or death. Strictly speaking, the benefit which

an employee may receive by action at law under article 2 of this chapter is damages, and this is indicated in Section 25-5-31. To avoid confusion, the word 'compensation' has been used in this chapter, but it should be understood that under article 2 the compensation by way of damages is determined by a civil action. Such term does not include medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus furnished an employee on account of an injury.

"(2) CHILD or CHILDREN. Such terms include posthumous children and all other children entitled by law to inherit as children of the deceased; stepchildren who were members of the family of the deceased, at the time of the accident, and dependent upon him for support; a grandchild of the deceased employee, whose father is dead or is an invalid, and who was supported by and a member of the family of such deceased grandparent at the time of the accident.

"(3) DEPENDENT CHILD or ORPHAN. An unmarried child under the age of 18 years or one over that age who is physically or mentally incapacitated from earning.

"(4) EMPLOYER. Every person not excluded by Section 25-5-50 who employs another to perform a service for hire and pays wages directly to such person. Such term shall include any person, corporation, copartnership or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer being entitled to the employer's rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business; provided, however, that the inclusion of an employer's insurer within such term shall not provide such insurer within with immunity from liability to an injured employee, or his dependents in the case of his death to whom the insurer would otherwise be subject to liability under the provision of Section 25-5-11. Notwithstanding any section of articles 2 and 3 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the 'employer' of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

"(5) PHYSICIAN. Such term shall include 'surgeon,' and, in either case, shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

"(6) EMPLOYEE and WORKMAN. Such terms are used interchangeable and have the same meaning throughout this chapter, and shall be construed to mean the same. Such terms include the plural and all ages and both sexes. Such terms include every person not excluded by Section 25-5-50, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of this state and also including all employees of Tannehill furnace and foundry commission. Any reference in this chapter to a 'workman' or 'employee' shall, where the workman or employee is dead, include his dependents, as defined in this chapter, if the context so requires.

"(7) WAGES or WEEKLY WAGES. Such terms shall in all cases, unless the context clearly indicates a different meaning, be construed to mean 'average weekly earning.' Every person, not excluded by Section 26-5-50, in the service of another under any contract of hire, express or implied, oral or written, includes aliens and also includes minors who are legally permitted to work under the laws of the state.

“(8) ACCIDENT. Such term, as used in the phrases ‘personal injuries due to accident’ or ‘injuries or death caused by accident’ shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body or damage to an artificial member of the body by accidental means.

“(9) INJURIES BY AN ACCIDENT ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT. Without otherwise affecting either the meaning or interpretation of such clause, such clause does not cover workmen except while engaged in or about the premises where their services are being performed or where their service requires their presence as a part of such service at the time of the accident and during the hours of service as such workmen, and shall not include any injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him and not directed against him as an employee or because of his employment, and it shall not include a disease unless the disease results proximately from the accident.

“(10) SINGULAR AND PLURAL. Wherever the singular is used, the plural shall be included.

“(11) GENDER. Where the masculine gender is used, the feminine and neuter shall be included.

“(12) LOSS OF HAND OR FOOT. Amputations between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

“(13) THE COURT. Such term shall mean the circuit court which would have jurisdiction in an ordinary civil action involving a claim for the injuries or death in question, and ‘the judge’ shall mean a judge of said court.”

Section 3. Section 25-5-11 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-11.

“(a) Where the injury or death for which compensation is payable under this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, whether or not such party is subject to the provisions of this chapter, the employee, or his dependents in case of his death, may proceed against the employer to recover compensation under this chapter or may agree with the employer upon the compensation payable under this chapter, and, at the same time, may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to this chapter; provided, however, if such party other than the employer is a workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer, of any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or is a labor union, or any official or representative thereof, or is an officer, director, agent, servant or employee of the same employer, or his personal representative, the injured employee, or his dependents in the case of his death,

may bring such an action against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer or such labor union or such person, or his personal representative, only for willful conduct which results in or proximately causes the injury or death, that neither an officer, director, agent, servant or employee of the same employer nor his personal representative nor any workmen's compensation insurance carrier of the employer nor any officer, director, agent, servant or employee of such carrier nor any labor union or any official or representative thereof making a safety inspection for the benefit of the employer or its employees shall be considered a party other than the employer against whom such an action may be brought. If the injured employee, or in case of his death his dependents, recover damages against such other party, the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under this chapter, there shall be no further liability on the employer to pay compensation on account of such injury or death, and To the extent of any such recovery of damages against such other, the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death. If the employee who recovers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be entitled to reimbursement for the amount of such compensation theretofore paid, and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recover (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled.

"(b) If personal injury or death to any employee results from the willful conduct, as defined in subsection (c) herein, of any officer, director, agent, servant or employee of the same employer or any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or of a labor union, or an official or representative thereof, the employee shall have a cause of action against such person, workers' compensation carrier or labor union.

"(c) As used herein, 'willful conduct' means:

(1) a purpose or intent or design to injure another; and where a person, with knowledge of the danger or peril to another consciously pursues a course of conduct with a design, intent and purpose of inflicting injury, then he is guilty of 'willful conduct.'

(2) the willful and intentional removal from a machine of a safety guard or safety device provided by the manufacturer of the machine with knowledge that injury or death would likely or probably result from such removal; provided, however, removal of such a guard or device shall not be willful conduct unless such removal did, in fact, increase the danger of use of the machine and was not done for the purpose of repair of the machine or was not part of an improvement or modification of the machine which rendered the safety device unnecessary or ineffective; or

(3) the intoxication of another employee of the employer when the conduct of that employee has wrongfully and proximately caused injury or death to the plaintiff or plaintiff's decedent, but no employee shall be guilty of willful conduct on account of the intoxication of any other employee or other person.

“(b) (d) In the event the injured employee or, in case of his death, his dependents do not file a civil action against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring a civil action against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee or his dependents, or in the event a proceeding is pending against the employer to required the payment of such compensation, such civil action may be maintained either in the name of the injured employee or, in case of his death, in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such civil action are in excess of the compensation payable by the employer under this chapter and costs, attorney's fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee or, in case of his death, for his dependents. In the event such injured employee has no dependents, his personal representative in the event of his death may bring a civil action against such other party to recover damages without regard to this chapter.

“(e) (e) In any settlement made under this section with a negligent third party by the employee or, in the case of his death, by his dependents, the employer shall be liable for that part of the attorney's fees incurred in the settlement with the third party, either with or without a civil action, in the same proportion that the amount of the reduction in the employer's liability to pay compensation bears to the total recovery had from such third party.”

“(f) For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company.

Section 4. Section 25-5-51 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-51.

“When an employer is subject to this article, compensation, according to the schedules hereinafter contained, shall be paid by every such employer, or those conducting the business during bankruptcy or insolvency, in every case of personal injury or death of his employee caused by an accident arising out of and in the course of his employment, without regard to any question of negligence; except, that no compensation shall be allowed for an injury or death caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or due to his own intoxication or his wilful failure or wilful refusal to use safety appliances provided by the employer, ~~or due to the wilful refusal or wilful neglect of the employee or servant to perform a statutory duty or due to any other wilful violation of the law by the employee or his wilful breach of a reasonable rule or regulation of his employer, of which rule or regulation the employee has knowledge.~~ If the employer defends on the ground that

the injury arose in any or all of the last above stated ways, the burden of proof shall be on the employer to establish such defense."

Section 5. Section 25-5-53 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-53.

"The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death. Except as provided in this article and article 2, as the case may be, of this chapter, no employer included within the terms of this chapter ~~and no officer, director, agent, servant or employee of such employer~~ shall be held civilly liable for any personal injury to or death of any workman who is an employee of the same employer and whose injury or death is due to an accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. In addition, immunity from civil liability for all such causes of action except those based upon willful conduct shall also extend to any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation and to any labor union, or any official or representative thereof, and to any officer, director, agent, servant or employee of the same employer, or his personal representative. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant or employee of such carrier, and such immunity shall further extend to any labor union, or any official representative thereof, making a safety inspection for the benefit of the employer or its employee."

"For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company."

Section 6. Section 25-5-57 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-57.

(a) Compensation schedule. Following is a schedule of compensation:

(1) TEMPORARY TOTAL DISABILITY. For injury producing temporary total disability, the compensation shall be 66-2/3 percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in Section 25-5-68, but if at the time of injury the employee received average weekly earnings of less than the minimum stated in Section 25-5-68, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, ~~but not, however, beyond 300 weeks~~ but at such time as a temporary total disability shall become permanent, compensation for the continued total disability shall be governed by the provisions of (a) (4) of this section with respect to Permanent Total Disability.

Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(2) TEMPORARY PARTIAL DISABILITY.

a. Amount and Duration of Compensation. In all cases of temporary partial disability, the compensation shall be $66\frac{2}{3}$ percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, but not, however, beyond 300 weeks. Payments shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in Section 25-5-68.

b. Effect of Change in Employment. If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee an additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee upon such demand fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(3) PERMANENT PARTIAL DISABILITY.

a. Amount and Duration of Compensation. For permanent partial disability, the compensation shall be based upon the extent of such disability. In cases included in the following schedule, the compensation shall be $66\frac{2}{3}$ percent of the average weekly earnings, during the number of weeks set out in the following schedule.

1. For the loss of a thumb, 62 weeks.
2. For the loss of a first finger, commonly called the index finger, 43 weeks.
3. For the loss of a second finger, 31 weeks.
4. For the loss of a third finger, 22 weeks.
5. For the loss of a fourth finger, commonly called the little finger, 16 weeks.
6. The loss of the first phalange of the thumb or of any finger shall be considered as equal to the loss of one half of such thumb or finger, and compensation shall be paid at the prescribed rate during one half of the time specified above for such thumb or finger.
7. The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

8. For the loss of a great toe, 32 weeks.
9. For the loss of any of the toes other than the great toe, 11 weeks.
10. The loss of the first phalange of any toe shall be considered to be equal to the loss of one half of such toe, and compensation shall be paid at the prescribed rate during one half the time prescribed above for such toe.
11. The loss of two or more phalanges shall be considered as the loss of an entire toe.
12. For the loss of a hand, 170 weeks.
13. For the loss of an arm, 222 weeks.
14. For the loss of a foot, 139 weeks.
15. Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.
16. For the loss of a leg, 200 weeks.
17. For the loss of an eye, 124 weeks.
18. For the complete and permanent loss of hearing in both ears, 163 weeks.
19. For the complete and permanent loss of hearing in one ear, 53 weeks.
20. For the loss of an eye and a leg, 350 weeks.
21. For the loss of an eye and one arm, 350 weeks.
22. For the loss of an eye and a hand, 325 weeks.
23. For the loss of an eye and a foot, 300 weeks.
24. For the loss of two arms, other than at the shoulder, 400 weeks.
25. For the loss of two hands, 400 weeks.
26. For the loss of two legs, 400 weeks.
27. For the loss of two feet, 400 weeks.
28. For the loss of one arm and the other hand, 400 weeks.
29. For the loss of one hand and one foot, 400 weeks.
30. For the loss of one leg and the other foot, 400 weeks.
31. For the loss of one hand and one leg, 400 weeks.
32. For the loss of one arm and one foot, 400 weeks.
33. For the loss of one arm and one leg, 400 weeks.
34. For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, 66-2/3 percent of the average weekly earnings for such period as the court may determine, but not exceeding 100 weeks.

b. Successive or Concurrent Temporary Total and Permanent Partial Disabilities Resulting from Same Injury. When a permanent partial disability, the number of weeks compensation for which is scheduled in subdivision (a) (3) of this section, follows or accompanies a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

c. Concurrent Disabilities. Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this paragraph shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

d. Loss of Use of Member. In all cases, the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member, but in such cases the compensation in and by said schedule shall be in lieu of all other compensation, except as otherwise provided herein. In case of permanent disability due to injury to a member resulting in less than total loss of use of such member not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member which the extent of the injury to the member bears to its total loss.

e. Effect of Refusal of Suitable Employment. If an injured employee refuses employment suitable to his capacity offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless at any time, in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

f. Maximum and Minimum Compensation Awards. All compensation provided in this subsection (a) for loss of members or loss of use of members is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 25-5-68.

g. Compensation for Permanent Partial Disabilities Not Enumerated. In all other cases of permanent partial disability not above enumerated, the compensation shall be 66-2/3 percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition, subject to the same maximum weekly compensation as stated in section 25-5-68. When a permanent partial disability, compensation for which is not calculated by use of the schedule in subdivision (a) (3) of this section, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, but not, however, beyond 300 weeks. h.

Affidavit of New Employment. In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subdivision (a) (2) of this section.

(4) PERMANENT TOTAL DISABILITY.

a. Amount, Duration and Payment of Compensation. For permanent total disability, as defined in paragraph d of this subdivision, 66-2/3 percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly compensation as stated in section 25-5-68; provided, that if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 25-5-68, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in said paragraph d of this subdivision. Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree. Such payments, with the approval of the circuit judge or by agreement of the parties, may be made monthly, quarterly or otherwise as the parties may agree. Payments for permanent total disability shall not be ordered to be paid in a lump sum without the consent of both the employer and the employee.

b. Alteration, Amendment or Revision of Compensation. At any time, the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and, if the court is so satisfied after a hearing, it shall alter, amend or revise the award accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee and if the employer terminates the payment of such benefits, the employee may, within one year of the last payment, petition the court to reinstate such benefits and, upon a showing that such permanent total disability still exists, shall be entitled to have such benefits reinstated effective the date of the last payment.

c. Employees in Public Institutions. In case an employee, who is permanently and totally disabled, becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 25-5-61 and 25-5-62, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subdivision shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution; provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 25-5-61 and 25-5-62 from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institution. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay for the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payments shall be directly paid to said guardian.

d. Definition. The total and permanent loss of the sight of both eyes or the loss of both arms at the shoulder or any physical injury or mental impairment resulting from an accident, which injury or impairment permanently and totally incapacitates the employee from working at and being retrained for gainful employment, shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided, that any employee whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

e. Second Permanent Injuries Generally. If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident, such as is specified in the provisions of this section defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

f. Second Permanent Injury Resulting in Permanent Total Disability Where First Injury Not in Same Employment. If an employee receives a permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed, and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee, and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

g. Second Permanent Injury in Same Employment Resulting in Permanent Total Disability. If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

h. Concurrent Compensation Payments. If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury is a permanent injury, such as specified in this section, but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under this article and article 2 of this chapter.

If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of paragraph e of this subdivision, but the total compensation shall be paid

by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding 700 weeks.

i. Effect of Rehabilitation or Recovery on Permanent Total Disability Benefits. In the event an employee who is receiving benefits for permanent total disability shall, as a result of physical or vocational rehabilitation or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, that at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to 66-2/3 percent of the difference, subject to each of the following limitations:

1. The employer's liability for the payment of 66-2/3 percent of such difference shall continue for 200 weeks from the date of reemployment or 300 weeks from the date of injury, whichever is the longer period;

2. In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and

3. No payments shall be due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

j. Affidavit of Gainful Employment. In the event an employee who is receiving benefits for permanent total disability shall, as the result of physical or vocational rehabilitation or otherwise, obtain gainful employment with an employer other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment; and, until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished

(5) DEATH FOLLOWING DISABILITY. In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and, during the period of disability caused thereby, death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workman who has sustained a permanent partial or permanent total disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom, the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, whether or not the decedent employee was receiving compensation for permanent total disability, not exceeding, however, the amount that would have been due the surviving spouse and/or dependent

children if death had resulted proximately from the injury. Except as provided in this subdivision, no benefits shall be payable on account of death resulting, proximately or not proximately, from an injury on account of which compensation is being paid to an employee.

(6) HERNIA.

a. Proof. In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

1. That there was an injury resulting in hernia,
2. That the hernia appeared suddenly,
3. That it was accompanied by pain,
4. That the hernia immediately followed an accident, and
5. That the hernia did not exist prior to the accident for which compensation is claimed.

b. Treatment. All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment, shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(b) Computation of compensation; determination of average weekly earnings. Compensation under this section shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury divided by 52, but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of such 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer or the casual nature or terms of the employment it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the 52 weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. Whatever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract shall be deemed a part of his earnings.

Section 7. Section 25-5-68 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-68

~~“(a) With respect to injury or death resulting from an accident occurring after November 13, 1975, and before February 1, 1976 1985, the compensation paid under this article shall not be not less than, except as otherwise provided in this article, 25 percent of the average weekly wage of the state for calendar year 1974, as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than 66-2/3 percent of such average weekly wage of the state.~~

“(b) With respect to injury or death resulting from an accident occurring on or after February 1, 1976 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, 25 27-1/2 percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than 66-2/3 100 percent of such average weekly wage; except that the maximum compensation payable for permanent partial disability shall be no more than the lesser of \$220 per week or 100 percent of such average weekly wage.

“(c) For the purpose of this section, the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52, and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12-month period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following 30 days after such determination is made.

“(d) The maximum and minimum weekly benefit shall not be changed on any July 1 or as a result of any annual determination, unless the computation provided for in subsection (c) of this section results in an increase or decrease of \$2.00 or more in the amount of either the maximum or minimum benefit.

“(e) In no event, except as provided for permanent total disability in subdivision (a) (4) of Section 25-5-57 or except for compensation benefits ~~payable for permanent partial and temporary total disability~~ in connection with a disability scheduled in subdivisions (1) and (3) of subsection (a) of Section 25-5-57, shall the total amount of compensation payable for any accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

“(f) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.

Section 8. Section 25-5-77 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-77.

“(a) In addition to the compensation provided in this article, the employer shall pay the actual cost of the repair, refitting or replacement of

artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, ~~original~~ artificial members and other apparatus as may be obtained by the injured employee or, in case of death, obtained during the period occurring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, the employee may so advise the employer, and in such event the employee shall be entitled to select a second physician from a panel or list of four physicians selected by the employer, referred to a second physician selected by the employer. If the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer, and, in such event, the employee shall be referred to a third physician selected by the employer. In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be entitled to select a second surgeon from a panel or list of four surgeons selected by the employer. If four physicians or surgeons are not available to be listed, the employer shall include on the list as many as are available. The four physicians or surgeons selected by the employer here under shall not be from or members of the same firm, partnership or professional corporation, referred to a second surgeon selected by the employer. If the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer, and, in such event, the employee shall be referred to a third surgeon selected by the employer. The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation.

“(b) The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer, but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and to report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter, his right to compensation shall be suspended and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee who treats or makes or

is present at any examination of any injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer and without consent of or notice to the employee or employer not making such request, furnish such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same. The term 'physicians' shall include medical doctor, surgeon and chiropractor. Any hospital, medical clinic, rehabilitation service or other person or entity providing treatment to an employee or providing facilities at which the employee receives treatment shall, upon the written request of the employee or of the employer, furnish the employee or the employer a copy of the records, including x-rays and laboratory reports, relating to such treatment. Such copy may be furnished without the consent of or notice to the employee or employer not making such request. Any physician, hospital, medical clinic, rehabilitation service or other person or entity providing any written statement of professional opinion or copies of records pursuant to this subsection shall not be liable to any person for any claim arising out of the release of medical information concerning the employee.

"(c) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee who is unable in the opinion of the treating physician to return to his former employment shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

"(d) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal."

Section 9. Section 25-5-80 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 25-5-80.

"In case of a personal injury, all claims for compensation under this article and article 2 of this chapter shall be forever barred unless within ~~one~~ two years after the accident the parties shall have agreed upon the compensation payable under this article and article 2 of this chapter or unless within ~~one~~ two years after the accident one of the parties shall have filed a verified complaint as provided in section 25-5-88. In case of death, all claims for compensation shall be forever barred unless within ~~one~~ two years after death, when the death results proximately from the accident within three years, the parties shall have agreed upon the compensation under this

article and article 2 of this chapter, or unless within ~~one~~ two years after such death one of the parties shall have filed a verified complaint as provided in Section 25-5-88. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of ~~one~~ two years from the time of making the last payment. In case of physical or mental incapacity, other than the minority of the injured person or his dependents, to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended to become effective ~~one~~ two years from the date when such incapacity ceases.

Section 10. Section 25-5-90 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-90.

“No part of the compensation payable under this article shall be paid to attorneys for the plaintiff for legal services unless, upon the application of the plaintiff to a judge of the circuit court, such judge shall order or approve of the employment of an attorney by the plaintiff, and in such event the judge, upon the hearing of the complaint for compensation, shall fix the fee of the attorney for the plaintiff for his legal services and the manner of its payment, but such fee shall not exceed ~~45~~ 20 percent of the compensation awarded or paid.”

Section 11. Upon the written request of any employee, each employer subject to the workmen's compensation law shall appoint a safety committee. The safety committee shall consist of not less than three committee members, one of whom must be a non-supervisory employee. The safety committee shall advise the employer regarding safety in the work place, including suggestions from employees regarding safety conditions in the work place. Any employee shall have the right to notify the safety committee of a safety condition in the work place. The safety committee shall develop procedures by which an employee may give such notification. The provisions of this section shall not apply to any employer who now or in the future has an established safety committee pursuant to contract or agreement with its employees of their representative.

Section 12. No employee shall be terminated by an employer solely because the employee has instituted or maintained any action against the employer to recover worker's compensation benefits under this chapter.

Section 13. The provisions of this act shall be applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975, with respect to compensation for occupational diseases generally, occupational pnuemoconiosis generally, pnuemoconiosis of coal miners and occupational exposure to radiation.

Section 14. The provisions of this act are expressly declared not to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, then this entire act shall be invalid and held for naught.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided it shall have no effect whatsoever with respect to the right of any injured employee to bring an action with respect to or upon any cause of action which arose or accrued prior to February 1, 1985. Provided further, it shall

have no effect on and shall not apply to any accident or exposure to injurious condition occurring before the effective date of this Act.

RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. COMMENDING MOZELLE S. WALLACE ON HER EIGHTY-SEVENTH BIRTHDAY.

WHEREAS, the Alabama Legislature notes that their friend, Mrs. Mozelle S. Wallace, who was born January 5, 1898, celebrates her eighty-seventh birthday; and

WHEREAS, Mrs. Wallace, is the mother of Governor George Wallace, Gerald Wallace, Judge Jack Wallace and Mrs. Alton (Marianne) Dauphin, all who, because of her dedication to their well-being, her encouragement and loving guidance, have brought much distinction to their lives; and

WHEREAS, Mrs. Wallace retired from the State Health Department in 1970, after twenty years of outstanding service; and

WHEREAS, Mrs. Mozelle Wallace, over the years has contributed immeasurably her energies, time and many talents to numerous social, civic, religious, charitable, and humanitarian endeavors and is a long-time member of the United Daughters of the Confederacy; and

WHEREAS, Mrs. Mozelle Wallace, the loving grandmother of eleven and the proud great grandmother of five, is known as "the grandlady" to her many close friends and she is a constant source of strength and inspiration to them; her kindness, compassion and integrity have won her the respect and admiration of many; and

WHEREAS, Mrs. Wallace has remained active in her retirement years avidly enjoying her hobbies of fishing, needlework, her friends and family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Mrs. Mozelle Wallace on her eighty-seventh birthday and wish her every happiness and good health for many years to come.

RESOLVED FURTHER, That a copy of this resolution be sent to our friend, Mrs. Mozelle Wallace, as an expression of our esteem and gratitude.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S.B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19. The question was on the substitute offered by Senator Bishop.

Senator Goodwin moved that the substitute for the Bill, S.B. 19, be adopted.

RESOLUTION

Senator Covington offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. DESIGNATING A PORTION OF I-65 AS THE "HANK WILLIAMS MEMORIAL PARKWAY."

WHEREAS, Hank Williams, who was born and reared in Butler County, Alabama, is the most widely known country music singer and composer of all time; and

WHEREAS, during his short lifetime, Hank Williams rose from small town obscurity to international fame, composing and singing country music songs which today are revered as classics and will forever be played and sung around the world; and

WHEREAS, as our nation's most prolific composer of country music melodies, Hank Williams brought inordinate fame and honor to his home county and to the entire State of Alabama; and

WHEREAS, in recognition of his numerous accomplishments and contributions to the field of country music, it is entirely fitting and proper that his memory be perpetuated in a manner befitting his stature in life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate that portion of Interstate Highway 65, within the bounds of Butler County, Alabama, as the "Hank Williams Memorial Parkway."

BE IT FURTHER RESOLVED, That the Alabama State Highway Department erect and maintain appropriate signs and markers so designating said portion of I-65 as the "Hank Williams Memorial Parkway."

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitute.

The question was on the motion of Senator Goodwin that said substitute be adopted.

POINT OF PERSONAL PRIVILEGE

Senator Cooley raised the question as to whether the Bishop substitute for the Bill, S.B. 19, was germane in import and purpose, and asked that the point be spread upon the Journal.

POINT OF ORDER

Senator Aldridge rose for a point of order, and the President and Presiding Officer advised Senator Aldridge that his point of order should be submitted in writing.

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Senators Teague and Corbett:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

Committee on Business and Labor Relations

FURTHER CONSIDERATION OF S.B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitute.

The question was on the motion of Senator Goodwin that said substitute be adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 44. COMMENDING SENATOR T.D. (TED) LITTLE OF AUBURN, ALABAMA ON HIS ELECTION AS CHAIRMAN OF THE SOUTHERN LEGISLATIVE CONFERENCE.

Also:

S. J. R. 46. MOURNING THE DEATH OF JOHN T. REID OF SCOTTSBORO, ALABAMA.

Also:

S. J. R. 47. MOURNING THE DEATH OF JOE JOHN MONEY OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 49. COMMENDING MOZELLE S. WALLACE ON HER EIGHTY-SEVENTH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Also:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitute.

The question was on the motion of Senator Goodwin that said substitute be adopted.

RECESS

At 11:43 P.M., on motion of Senator Bishop, the Senate took a recess subject to the call of the Chair.

At 11:57 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitute.

The question was on the motion of Senator Goodwin that said substitute be adopted.

ADJOURNMENT

The hour of midnight having arrived, in accordance with motion heretofore adopted, and pending further consideration of S.B. 19, the Senate adjourned until Sunday, January 6, 1985, at 12:01 A.M.

**EIGHTH LEGISLATIVE DAY
SUNDAY, JANUARY 6, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial CME Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Phillip Gray, Goodwyn Jr. High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	

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JOURNAL

On motion of Senator Cooley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Cooley, leave of absence was granted Senator Denton for today.

MOTION TO ADJOURN

Senator Cooley moved that when the Senate adjourns today, it adjourn to meet again on Monday, January 7, 1985, at 12:01 A.M., which motion was adopted.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to further consideration of the Unfinished Business for today, which was the Bill:

S. 19. To supplement the Workmen's Compensation Act, so as to provide compensation for disability or death due to Cotton Textile Workers Lung Disease; to provide that the provisions of this act shall apply to employment contracts made on or after September 1, 1971; to provide for the manner of compensation, the rights and remedies of employees and civil and criminal liability of employers; and to provide for a limitation period of claims for compensation.

and pending substitute.

The question was on the motion of Senator Goodwin that the Bishop substitute be adopted.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Teague and Corbett:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

FURTHER CONSIDERATION OF S.B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitute.

The question was on the motion of Senator Goodwin that said substitute be adopted.

QUORUM CALL REQUESTED

At 1:45 A.M., Senator Mitchem requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	Cabaniss	Ellis	Little
Bailey	Cooley	Foshee	Menton
Bedford	Covington	Goodwin	Mitchem
Bedsole	deGraffenried	Hand	Smith (B)
Bennett	Dial	Holmes	Smith (J)
Bishop	Dixon	Horn	Strong

FURTHER CONSIDERATION OF S.B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitute.

The question was on the motion of Senator Goodwin that said substitute be adopted.

Senator Hilliard offered the following substitute for the Bishop substitute, for the Bill, S.B. 19, to-wit:

SUBSTITUTE FOR BISHOP SUBSTITUTE FOR S.B. 19**A BILL
TO BE ENTITLED
AN ACT**

To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such

carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to amend Section 25-5-90 to provide for an increased limit on attorneys fees to 20% of the compensation awarded or paid; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975; to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975; and to provide that Cotton Textile Workers Lung Disease is an occupational hazard covered by workmen compensation benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature finds that actions filed on behalf of injured employees against officers, directors, agents, servants or employees of the same employer seeking to recover damages in excess of amounts received or receivable from the employer under the workers' compensation statutes of this state and predicated upon claimed negligent or wanton conduct resulting in injuries arising out of and in the course of employment are contrary to the intent of the legislature in adopting a comprehensive workers' compensation scheme and are producing a debilitating and adverse effect upon efforts to retain existing, and to attract new, industry to this state. Specifically, the existence of such causes of action places this state at a serious disadvantage in comparison to the existing laws of other states with whom this state competes in seeking to attract and retain industrial operations which would provide better job opportunities and increased employment for people in this state. The existence of such causes of action, and the consequent litigation resulting therefrom, results in substantial costs and expenses to employers which, as a practical matter, must either procure additional liability insurance coverage for supervisory and management employees or fund the costs of defense, judgment or settlement from their own resources in order to retain competent and reliable personnel. The existence of such causes of action has a disruptive effect upon the relationship among employees and supervisory and management personnel. There is a total absence of any reliable evidence that the availability of such causes of action has resulted in any reduction of the number or severity of on-the-job accidents or of any substantial improvement on providing safe working conditions and work practices. The intent of the legislature is to provide complete immunity to employers and limited immunity to officers, directors, agents, servants or employees of the

same employer and to the workers' compensation insurance carrier and compensation service companies of the employer or any officer, director, agent, servant or employee of such carrier or company and to labor unions and to any official or representative thereof, from civil liability for all causes of action except those based on willful conduct and such immunity is an essential aspect of the workers' compensation scheme. The legislature hereby expressly reaffirms its intent, as set forth in Section 25-5-53, as amended herein, and Sections 25-5-144 and 25-5-194 of the Code of Alabama 1975, regarding the exclusivity of the rights and remedies of an injured employee, except as provided for herein.

Section 2. Section 25-5-1 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-1.

"Throughout this chapter, the following words and phrases as used therein shall be considered to have the following meanings, respectively, unless the context shall clearly indicate a different meaning in the connection used:

"(1) COMPENSATION. Such term indicates the money benefits to be paid on account of injury or death. Strictly speaking, the benefit which an employee may receive by action at law under article 2 of this chapter is damages, and this is indicated in Section 25-5-31. To avoid confusion, the word 'compensation' has been used in this chapter, but it should be understood that under article 2 the compensation by way of damages is determined by a civil action. Such term does not include medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus furnished an employee on account of an injury.

"(2) CHILD or CHILDREN. Such terms include posthumous children and all other children entitled by law to inherit as children of the deceased; stepchildren who were members of the family of the deceased, at the time of the accident, and dependent upon him for support; a grandchild of the deceased employee, whose father is dead or is an invalid, and who was supported by and a member of the family of such deceased grandparent at the time of the accident.

"(3) DEPENDENT CHILD or ORPHAN. An unmarried child under the age of 18 years or one over that age who is physically or mentally incapacitated from earning.

"(4) EMPLOYER. Every person not excluded by Section 25-5-50 who employs another to perform a service for hire and pays wages directly to such person. Such term shall include any person, corporation, copartnership or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer being entitled to the employer's rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business; provided, however, that the inclusion of an employer's insurer within such term shall not provide such insurer with immunity from liability to an injured employee, or his dependents in the case of his death to whom the insurer would otherwise be subject to liability under the provision of Section 25-5-11. Notwithstanding any section of articles 2 and 3 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the 'employer' of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

“(5) PHYSICIAN. Such term shall include ‘surgeon,’ and, in either case, shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

“(6) EMPLOYEE and WORKMAN. Such terms are used interchangeable and have the same meaning throughout this chapter, and shall be construed to mean the same. Such terms include the plural and all ages and both sexes. Such terms include every person not excluded by Section 25-5-50, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of this state and also including all employees of Tannehill furnace and foundry commission. Any reference in this chapter to a ‘workman’ or ‘employee’ shall, where the workman or employee is dead, include his dependents, as defined in this chapter, if the context so requires.

“(7) WAGES or WEEKLY WAGES. Such terms shall in all cases, unless the context clearly indicates a different meaning, be construed to mean ‘average weekly earning.’ Every person, not excluded by Section 26-5-50, in the service of another under any contract of hire, express or implied, oral or written, includes aliens and also includes minors who are legally permitted to work under the laws of the state.

“(8) ACCIDENT. Such term, as used in the phrases ‘personal injuries due to accident’ or ‘injuries or death caused by accident’ shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body or damage to an artificial member of the body by accidental means.

“(9) INJURIES BY AN ACCIDENT ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT. Without otherwise affecting either the meaning or interpretation of such clause, such clause does not cover workmen except while engaged in or about the premises where their services are being performed or where their service requires their presence as a part of such service at the time of the accident and during the hours of service as such workmen, and shall not include any injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him and not directed against him as an employee or because of his employment, and it shall not include a disease unless the disease results proximately from the accident.

“(10) SINGULAR AND PLURAL. Wherever the singular is used, the plural shall be included.

“(11) GENDER. Where the masculine gender is used, the feminine and neuter shall be included.

“(12) LOSS OF HAND OR FOOT. Amputations between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

“(13) Cotton Textile Workers Lung Disease. A form of chronic obstructive pulmonary disease caused by exposure to cotton trash dust in the course of employment, without regard to whether or not said causes or conditions are inherent in the employment or can be eliminated or reduced by due care on the part of the employer.

“(14) Contraction of Cotton Textile Workers Lung Disease. Any initial contraction of acute or chronic obstructive pulmonary disease caused by exposure to cotton trash dust in the course of employment, or, any aggravation of a condition of acute or chronic obstructive pulmonary disease, where such aggravation is caused by exposure to cotton trash dust in the course of employment, without regard to the manner in which such acute or chronic obstructive pulmonary disease was initially contracted.

“(15) THE COURT. Such term shall mean the circuit court which would have jurisdiction in an ordinary civil action involving a claim for the injuries or death in question, and ‘the judge’ shall mean a judge of said court.”

Section 3. Section 25-5-11 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-11.

“(a) Where the injury or death for which compensation is payable under this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, whether or not such party is subject to the provisions of this chapter, the employee, or his dependents in case of his death, may proceed against the employer to recover compensation under this chapter or may agree with the employer upon the compensation payable under this chapter, and, at the same time, may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to this chapter; provided, however, if such party other than the employer is a workers’ compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers’ compensation claims for the employer, of any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or is a labor union, or any official or representative thereof, or is an officer, director, agent, servant or employee of the same employer, or his personal representative, the injured employee, or his dependents in the case of his death, may bring such an action against any workers’ compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers’ compensation claims for the employer or such labor union or such person, or his personal representative, only for willful conduct which results in or proximately causes the injury or death. that neither an officer, director, agent, servant or employee of the same employer nor his personal representative nor any workmen’s compensation insurance carrier of the employer nor any officer, director, agent, servant or employee of such carrier nor any labor union or any official or representative thereof making a safety inspection for the benefit of the employer or its employees shall be considered a party other than the employer against whom such an action may be brought. If the injured employee, or in case of his death his dependents, recover damages against such other party, the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under this chapter, there shall be no further liability on the employer to pay compensation on account of such injury or death. and To the extent of any such recovery of damages against such other, the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death. If the employee who recovers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be

entitled to reimbursement for the amount of such compensation theretofore paid, and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recover (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled.

“(b) If personal injury or death to any employee results from the willful conduct, as defined in subsection (c) herein, of any officer, director, agent, servant or employee of the same employer or any workers’ compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers’ compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or of a labor union, or an official or representative thereof, the employee shall have a cause of action against such person, workers’ compensation carrier or labor union.

“(c)” As used herein, ‘willful conduct’ means:

(1) a purpose or intent or design to injure another; and where a person, with knowledge of the danger or peril to another consciously pursues a course of conduct with a design, intent and purpose of inflicting injury, then he is guilty of ‘willful conduct.’

(2) the willful and intentional removal from a machine of a safety guard or safety device provided by the manufacturer of the machine with knowledge that injury or death would likely or probably result from such removal; provided, however, removal of such a guard or device shall not be willful conduct unless such removal did, in fact, increase the danger of use of the machine and was not done for the purpose of repair of the machine or was not part of an improvement or modification of the machine which rendered the safety device unnecessary or ineffective; or

(3) the intoxication of another employee of the employer when the conduct of that employee has wrongfully and proximately caused injury or death to the plaintiff or plaintiff’s decedent, but no employee shall be guilty of willful conduct on account of the intoxication of any other employee or other person.

“(b) (d) In the event the injured employee or, in case of his death, his dependents do not file a civil action against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring a civil action against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee or his dependents, or in the event a proceeding is pending against the employer to required the payment of such compensation, such civil action may be maintained either in the name of the injured employee or, in case of his death, in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such civil action are in excess of the compensation payable by the employer under this chapter and costs, attorney’s fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee or, in case of his death, for his dependents. In the event such injured employee has no dependents, his personal representative

in the event of his death may bring a civil action against such other party to recover damages without regard to this chapter.

~~“(e) (e) In any settlement made under this section with a negligent third party by the employee or, in the case of his death, by his dependents, the employer shall be liable for that part of the attorney’s fees incurred in the settlement with the third party, either with or without a civil action, in the same proportion that the amount of the reduction in the employer’s liability to pay compensation bears to the total recovery had from such third party.”~~

“(f) For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company.”

Section 4. Section 25-5-51 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-51.

“When an employer is subject to this article, compensation, according to the schedules hereinafter contained, shall be paid by every such employer, or those conducting the business during bankruptcy or insolvency, in every case of personal injury or death of his employee caused by an accident arising out of and in the course of his employment, without regard to any question of negligence; except, that no compensation shall be allowed for an injury or death caused by the wilful misconduct of the employee or by the employee’s intention to bring about the injury or death of himself or of another, or due to his own intoxication or his wilful failure or wilful refusal to use safety appliances provided by the employer, ~~or due to the wilful refusal or wilful neglect of the employee or servant to perform a statutory duty or due to any other wilful violation of the law by the employee or his wilful breach of a reasonable rule or regulation of his employer, of which rule or regulation the employee has knowledge.~~ If the employer defends on the ground that the injury arose in any or all of the last above stated ways, the burden of proof shall be on the employer to establish such defense.”

Section 5. Section 25-5-53 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-53.

“The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death. Except as provided in this article and article 2, as the case may be, of this chapter, no employer included within the terms of this chapter ~~and no officer, director, agent, servant or employee of such employer~~ shall be held civilly liable for any personal injury to or death of any workman who is an employee of the same employer and whose injury or death is due to an accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. In addition, immunity from civil liability for all such causes of action except those based upon willful conduct shall also extend to any workers’ compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers’ compensation claims for the employer or any officer, director, agent, servant or employee of such carrier, person, firm, association,

trust, fund or corporation and to any labor union, or any official or representative thereof, and to any officer, director, agent, servant or employee of the same employer, or his personal representative. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant or employee of such carrier, and such immunity shall further extend to any labor union, or any official representative thereof, making a safety inspection for the benefit of the employer or its employee."

"For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company."

Section 6. Section 25-5-57 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-57.

(a) Compensation schedule. Following is a schedule of compensation:

(1) TEMPORARY TOTAL DISABILITY. For injury producing temporary total disability, the compensation shall be 66-2/3 percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in Section 25-5-68, but if at the time of injury the employee received average weekly earnings of less than the minimum stated in Section 25-5-68, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, ~~but not, however, beyond 300 weeks~~ but at such time as a temporary total disability shall become permanent, compensation for the continued total disability shall be governed by the provisions of (a) (4) of this section with respect to Permanent Total Disability. Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(2) TEMPORARY PARTIAL DISABILITY.

a. Amount and Duration of Compensation. In all cases of temporary partial disability, the compensation shall be 66-2/3 percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, but not, however, beyond 300 weeks. Payments shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in Section 25-5-68.

b. Effect of Change in Employment. If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time

demand of such employee an additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee upon such demand fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(3) PERMANENT PARTIAL DISABILITY.

a. Amount and Duration of Compensation. For permanent partial disability, the compensation shall be based upon the extent of such disability. In cases included in the following schedule, the compensation shall be 66-2/3 percent of the average weekly earnings, during the number of weeks set out in the following schedule.

1. For the loss of a thumb, 62 weeks.
2. For the loss of a first finger, commonly called the index finger, 43 weeks.
3. For the loss of a second finger, 31 weeks.
4. For the loss of a third finger, 22 weeks.
5. For the loss of a fourth finger, commonly called the little finger, 16 weeks.
6. The loss of the first phalange of the thumb or of any finger shall be considered as equal to the loss of one half of such thumb or finger, and compensation shall be paid at the prescribed rate during one half of the time specified above for such thumb or finger.
7. The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.
8. For the loss of a great toe, 32 weeks.
9. For the loss of any of the toes other than the great toe, 11 weeks.
10. The loss of the first phalange of any toe shall be considered to be equal to the loss of one half of such toe, and compensation shall be paid at the prescribed rate during one half the time prescribed above for such toe.
11. The loss of two or more phalanges shall be considered as the loss of an entire toe.
12. For the loss of a hand, 170 weeks.
13. For the loss of an arm, 222 weeks.
14. For the loss of a foot, 139 weeks.
15. Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.
16. For the loss of a leg, 200 weeks.
17. For the loss of an eye, 124 weeks.
18. For the complete and permanent loss of hearing in both ears, 163 weeks.

19. For the complete and permanent loss of hearing in one ear, 53 weeks.

20. For the loss of an eye and a leg, 350 weeks.

21. For the loss of an eye and one arm, 350 weeks.

22. For the loss of an eye and a hand, 325 weeks.

23. For the loss of an eye and a foot, 300 weeks.

24. For the loss of two arms, other than at the shoulder, 400 weeks.

25. For the loss of two hands, 400 weeks.

26. For the loss of two legs, 400 weeks.

27. For the loss of two feet, 400 weeks.

28. For the loss of one arm and the other hand, 400 weeks.

29. For the loss of one hand and one foot, 400 weeks.

30. For the loss of one leg and the other foot, 400 weeks.

31. For the loss of one hand and one leg, 400 weeks.

32. For the loss of one arm and one foot, 400 weeks.

33. For the loss of one arm and one leg, 400 weeks.

34. For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, 66-2/3 percent of the average weekly earnings for such period as the court may determine, but not exceeding 100 weeks.

b. Successive or Concurrent Temporary Total and Permanent Partial Disabilities Resulting from Same Injury. When a permanent partial disability, the number of weeks compensation for which is scheduled in subdivision (a) (3) of this section, follows or accompanies a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

c. Concurrent Disabilities. Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this paragraph shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

d. Loss of Use of Member. In all cases, the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member, but in such cases the compensation in and by said schedule shall be in lieu of all other compensation, except as otherwise provided herein. In case of permanent disability due to injury to a member resulting in less than total loss of use of such member not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use

of the respective member which the extent of the injury to the member bears to its total loss.

e. Effect of Refusal of Suitable Employment. If an injured employee refuses employment suitable to his capacity offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless at any time, in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

f. Maximum and Minimum Compensation Awards. All compensation provided in this subsection (a) for loss of members or loss of use of members is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 25-5-68.

g. Compensation for Permanent Partial Disabilities Not Enumerated. In all other cases of permanent partial disability not above enumerated, the compensation shall be $66\frac{2}{3}$ percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition, subject to the same maximum weekly compensation as stated in section 25-5-68. When a permanent partial disability, compensation for which is not calculated by use of the schedule in subdivision (a) (3) of this section, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, but not, however, beyond 300 weeks. h.

Affidavit of New Employment. In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subdivision (a) (2) of this section.

(4) PERMANENT TOTAL DISABILITY.

a. Amount, Duration and Payment of Compensation. For permanent total disability, as defined in paragraph d of this subdivision, $66\frac{2}{3}$ percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly compensation as stated in section 25-5-68; provided, that if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 25-5-68, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in said paragraph d of this subdivision. Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree. Such payments, with the approval of the circuit judge or by agreement of the parties, may be made monthly, quarterly or otherwise as the parties may agree. Payments for permanent total disability shall not be ordered to be paid in a lump sum without the consent of both the employer and the employee.

b. Alteration, Amendment or Revision of Compensation. At any time, the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and, if the court is so satisfied after a hearing, it shall alter, amend or revise the award

accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee and if the employer terminates the payment of such benefits, the employee may, within one year of the last payment, petition the court to reinstate such benefits and, upon a showing that such permanent total disability still exists, shall be entitled to have such benefits reinstated effective the date of the last payment.

c. Employees in Public Institutions. In case an employee, who is permanently and totally disabled, becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 25-5-61 and 25-5-62, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subdivision shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution; provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 25-5-61 and 25-5-62 from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institution. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay for the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payment shall be directly paid to said guardian.

d. Definition. 1. The total and permanent loss of the sight of both eyes or the loss of both arms at the shoulder or any physical injury or mental impairment resulting from an accident, which injury or impairment permanently and totally incapacitates the employee from working at and being retrained for gainful employment, shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided, that any employee whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

2. (a) Where the employer and employee are subject to this act, the disablement or death of an employee caused by the contraction of Cotton Textile Workers Lung Disease, as defined in section 1 of this act, shall be treated as an injury by accident, and the employee or, in case of his death, his dependents shall be entitled to compensation as provided in this act. In no case, however, shall an employer be liable for compensation by reason of the contraction of Cotton Textile Workers Lung Disease as defined in section 1 of this act, or for disability or death resulting therefrom, unless such disease arose out of and in the course of the employment and resulted from the nature of the employment in which the employee was engaged.

(b) All contracts of employment made on or after September 1, 1971, shall be presumed to have been made with reference to and subject to the

provisions of this act. All contracts of employment made prior to and existing on September 1, 1971, shall be presumed to continue from and after said date, subject to and under the provisions of this act. Every employer and every employee shall be presumed to have accepted and come under this act and the provisions thereof relating to the payment and acceptance of compensation.

(c) No employee of any employer subject to this act, nor the personal representative, surviving spouse or next of kin of any such employee shall have any right to any other method, form or amount of compensation or damages for the contraction of Cotton Textile Workers Lung Disease, or for injury, disability, loss of service or death resulting from such disease, arising out of and in the course of employment, or determination thereof, in any manner other than as provided in this act.

(d) The rights and remedies granted in this act shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract or otherwise on account of the contraction of Cotton Textile Workers Lung Disease, as defined in this act, and on account of any injury, disability, loss of service or death resulting from Cotton Textile Workers Lung Disease.

(e) If an employee, at the time of or in the course of entering into the employment of the employer by whom the compensation would otherwise be paid, wilfully and falsely represented himself in writing to such employer as not having previously been compensated in damages, or under this act, because of Cotton Textile Workers Lung Disease, such employee, his personal representative, parents, surviving spouse, dependents and next of kin shall be barred from compensation or other benefits provided by this act or from recovery at common law by statute, contract or otherwise on account of Cotton Textile Workers Lung Disease resulting from exposure to the hazards of such disease subsequent to such representation and while in the employ of such employer.

(f) Where compensation is payable under this act, the only employer liable, if any, shall be the employer in whose employment the employee was last exposed to the hazards of said disease. The employer who is liable shall not be entitled to contribution from any other employer of such employee.

(g) In case of the contraction of Cotton Textile Workers Lung Disease, or of injury or disability resulting therefrom, all claims for compensation shall be forever barred, unless within three years after the date of the injury, as hereinafter defined, the parties shall have agreed upon the compensation payable under this act, or unless within three years after the date of the injury one of the parties shall have filed a verified complaint as provided in section 25-5-88, Code of Alabama 1975. In case of death, all claims for compensation shall be forever barred, unless the death results proximately from the Cotton Textile Workers Lung Disease, and occurs within three years of the date of the injury, as hereinafter defined, and unless within one year after such death the parties shall have agreed upon the compensation under this act, or unless within one year after such death one of the parties shall have filed a verified complaint as provided in section 25-5-88, Code of Alabama 1975. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of one year from the time of making the last payment. In case of mental incapacity of the injured employee, or his dependents, to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended to become effective

one year from the date when such incapacity ceases. No agreement, express or implied, to shorten or to extend said limitations shall be valid or binding on either of the parties when said employment, at the time of said exposure, is or was subject to the provisions of this act. The date of the injury shall mean, for all purposes of this act, the date of the last exposure to the hazards of the disease, or the date of discovery of the disease, whichever is later.

(h) All exposures of the employee occurring prior to September 1, 1971, to the hazards of Cotton Textile Workers Lung Disease, while in the employ of the employer, shall be deemed for all purposes to be subject to the provisions of this act, and the employee, his personal representative, parents, surviving spouse, dependents and next of kin shall be entitled to compensation or other benefits and barred from other rights and remedies as provided in this act for exposures occurring after September 1, 1971.

(i) The compensation payable for death or disability caused by Cotton Textile Workers Lung Disease, shall be computed in the same manner and in the same amounts as provided in article 3 of Title 25 of the Code of Alabama 1975, for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment and the medical, surgical, hospital and burial benefits payable under this act caused by said disease shall be computed in the same manner and in the same amounts as provided in article 3 for computing like benefits. The date of injury, as defined in this act, shall be considered the date of the accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for such Cotton Textile Workers Lung Disease.

(j) A worker is under a total disability due to Cotton Textile Workers Lung Disease if he is suffering or has suffered from Cotton Textile Workers Lung Disease, and

(ii) He demonstrates that he has contracted a chronic obstructive lung disease of a severe degree, as defined by the American Thoracic Society's most recent guidelines, and the employer does not demonstrate that the chronic obstructive pulmonary disease results from some condition other than Cotton Textile Workers Lung Disease and that the Cotton Textile Workers Lung Disease would not be totally disabling but for the intervening condition; or

(iii) He demonstrates that he is unable to engage in any substantial gainful activity by reason of chronic obstructive pulmonary disease, and the employer does not demonstrate that the chronic obstructive pulmonary disease results from some condition other than Cotton Textile Workers Lung Disease, and that the Cotton Textile Workers Lung Disease would not be totally disabling but for the intervening condition.

(k) (i) If a worker was employed for 10 years or more in an occupation exposing him to cotton trash dust, and is suffering or has suffered from chronic obstructive pulmonary disease, it will be presumed, in the absence of evidence to the contrary, that the chronic obstructive pulmonary disease arose out of such employment.

(iii) In any other case, a worker suffering or who has suffered from chronic obstructive pulmonary disease must submit the evidence necessary to establish that the chronic pulmonary disease arose out of employment.

(l) (ii) A worker's death will be determined to have been due to Cotton Textile Workers Lung Disease if the worker suffered from totally disabling Cotton Textile Workers Lung Disease.

(iii) If a deceased worker was employed for 10 years or more in an occupation exposing him to cotton trash dust and died from chronic obstructive pulmonary disease, it will be presumed, in the absence of evidence to the contrary, that his death was due to Cotton Textile Workers Lung Disease.

(iv) Under circumstances other than those in subsections (a) (ii) or (b) (iii) of this section, the claimant must establish that the worker's death was due to Cotton Textile Workers Lung Disease and that the Cotton Textile Workers Lung Disease arose out of employment.

(m) The interested parties shall have the right to settle all matters of compensation and all question arising hereunder between themselves in accordance with and subject to the provisions of article 3 of Title 25 of the Code of Alabama 1975, and, in case of dispute, either party may submit the controversy to the circuit court in accordance with and subject to the provisions of article 3 of Title 25 of the Code of Alabama 1975.

(n) The provisions of this act shall apply to all cases of Cotton Textile Workers Lung Disease, or injury, disability or death therefrom, in which the last exposure to hazards of such disease provided in this act.

(o) All of the provisions of articles 1, 2, 3 and 8 of Title 25 of the Code of Alabama 1975, except sections 25-5-78 and 25-8-80, shall be applicable to this act, unless otherwise provided or inconsistent herewith.

e. Second Permanent Injuries Generally. If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident, such as is specified in the provisions of this section defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

f. Second Permanent Injury Resulting in Permanent Total Disability Where First Injury Not in Same Employment. If an employee receives a permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed, and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee, and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

g. Second Permanent Injury in Same Employment Resulting in Permanent Total Disability. If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in

the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

h. **Concurrent Compensation Payments.** If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury is a permanent injury, such as specified in this section, but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under this article and article 2 of this chapter.

If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of paragraph e of this subdivision, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding 700 weeks.

i. **Effect of Rehabilitation or Recovery on Permanent Total Disability Benefits.** In the event an employee who is receiving benefits for permanent total disability shall, as a result of physical or vocational rehabilitation or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, that at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to 66-2/3 percent of the difference, subject to each of the following limitations:

1. The employer's liability for the payment of 66-2/3 percent of such difference shall continue for 200 weeks from the date of reemployment or 300 weeks from the date of injury, whichever is the longer period;

2. In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and

3. No payments shall be due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

j. **Affidavit of Gainful Employment.** In the event an employee who is receiving benefits for permanent total disability shall, as the result of physical or vocational rehabilitation or otherwise, obtain gainful employment with an employer other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment; and, until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is

receiving; and, if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished.

(5) **Death Following Disability.** In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and, during the period of disability caused thereby, death results proximately therefrom all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workman who has sustained a permanent partial or permanent total disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom; the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, whether or not the decedent employee was receiving compensation for permanent total disability, not exceeding, however, the amount that would have been due the surviving spouse and/or dependent children if death had resulted proximately from the injury. Except as provided in this subdivision, no benefit shall be payable on account of death resulting, proximately or not proximately, from an injury on account of which compensation is being paid to an employee.

(6) **Hernia.**

a. **Proof.** In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

1. That there was an injury resulting in hernia,
2. That the hernia appeared suddenly,
3. That it was accompanied by pain,
4. That the hernia immediately followed an accident, and
5. That the hernia did not exist prior to the accident for which compensation is claimed.

b. **Treatment.** All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment, shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(b) **Computation of compensation; determination of average weekly earnings.** Compensation under this section shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury divided by 52, but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of such 52 weeks shall be divided by the number of weeks remaining after the time so lost has been

deducted. Where the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer or the casual nature or terms of the employment it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the 52 weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. Whatever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract shall be deemed a part of his earnings.

Section 7. Section 25-5-68 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-68.

“(a) With respect to injury or death resulting from an accident occurring ~~after November 13, 1975, and before February 1, 1976~~ 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, 25 percent of the average weekly wage of the state ~~for calendar year 1974, as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than 66-2/3 percent of such average weekly wage of the state.~~

“(b) With respect to injury or death resulting from an accident occurring on or after February 1, ~~1976~~ 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, 25 27-1/2 percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than 66-2/3 100 percent of such average weekly wage; except that the maximum compensation payable for permanent partial disability shall be no more than the lesser of \$220 per week or 100 percent of such average weekly wage.

“(c) For the purpose of this section, the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52, and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12-month period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following 30 days after such determination is made.

“(d) The maximum and minimum weekly benefit shall not be changed on any July 1 or as a result of any annual determination, unless the computation provided for in subsection (c) of this section results in an

increase or decrease of \$2.00 or more in the amount of either the maximum or minimum benefit.

“(e) In no event, except as provided for permanent total disability in subdivision (a) (4) of Section 25-5-57 or except for compensation benefits payable for permanent partial and temporary total disability in connection with a disability scheduled in subdivisions (1) and (3) of subsection (a) of Section 25-5-57, shall the total amount of compensation payable for any accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

“(f) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.

Section 8. Section 25-5-77 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-77.

“(a) In addition to the compensation provided in this article, the employer shall pay the actual cost of the repair, refitting or replacement of artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, ~~original~~ artificial members and other apparatus as may be obtained by the injured employee or, in case of death, obtained during the period occurring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, the employee may so advise the employer, and in such event the employee shall be entitled to select a second physician from a panel or list of four physicians selected by the employer. ~~referred to a second physician selected by the employer. If the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer, and, in such event, the employee shall be referred to a third physician selected by the employer.~~ In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be entitled to select a second surgeon from a panel or list of four surgeons selected by the employer. ~~If four physicians or surgeons are not available to be listed, the employer shall include on the list as many as are available. The four physicians or surgeons selected by the employer hereunder shall not be from or members of the same firm, partnership or professional corporation, referred to a second surgeon selected by the employee. If the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer, and, in such event, the employee shall be referred to a third surgeon selected by the employer.~~ The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency

only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation.

“(b) The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer, but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and to report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter, his right to compensation shall be suspended and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee who treats or makes or is present at any examination of any injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer and without consent of or notice to the employee or employer not making such request, furnish such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same. The term ‘physicians’ shall include medical doctor, surgeon and chiropractor. Any hospital, medical clinic, rehabilitation service or other person or entity providing treatment to an employee or providing facilities at which the employee receives treatment shall, upon the written request of the employee or of the employer, furnish the employee or the employer a copy of the records, including x-rays and laboratory reports, relating to such treatment. Such copy may be furnished without the consent of or notice to the employee or employer not making such request. Any physician, hospital, medical clinic, rehabilitation service or other person or entity providing any written statement of professional opinion or copies of records pursuant to this subsection shall not be liable to any person for any claim arising out of the release of medical information concerning the employee.

“(c) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee who is unable in the opinion of the treating physician to return to his former employment shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by

the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

"(d) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal."

Section 9. Section 25-5-80 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 25-5-80.

"In case of a personal injury, all claims for compensation under this article and article 2 of this chapter shall be forever barred unless within ~~one~~ two years after the accident the parties shall have agreed upon the compensation payable under this article and article 2 of this chapter or unless within ~~one~~ two years after the accident one of the parties shall have filed a verified complaint as provided in section 25-5-88. In case of death, all claims for compensation shall be forever barred unless within ~~one~~ two years after death, when the death results proximately from the accident within three years, the parties shall have agreed upon the compensation under this article and article 2 of this chapter, or unless within ~~one~~ two years after such death one of the parties shall have filed a verified complaint as provided in Section 25-5-88. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of ~~one~~ two years from the time of making the last payment. In case of physical or mental incapacity, other than the minority of the injured person or his dependents, to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended to become effective ~~one~~ two years from the date when such incapacity ceases.

Section 10. Section 25-5-90 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-90.

"No part of the compensation payable under this article shall be paid to attorneys for the plaintiff for legal services unless, upon the application of the plaintiff to a judge of the circuit court, such judge shall order or approve of the employment of an attorney by the plaintiff, and in such event the judge, upon the hearing of the complaint for compensation, shall fix the fee of the attorney for the plaintiff for his legal services and the manner of its payment, but such fee shall not exceed ~~15~~ 20 percent of the compensation awarded or paid."

Section 11. Upon the written request of any employee, each employer subject to the workmen's compensation law shall appoint a safety committee. The safety committee shall consist of not less than three committee members, 2/3 of whom must be non-supervisory employees, elected in a secret ballot election, the method and procedures of which will be decided by the non-supervisory employees as they see fit. The safety committee shall advise the employer regarding safety in the work place, including suggestions from employees regarding safety conditions in the work place. The safety condition will be corrected within 30 working days from the day the committee has advised the company of the existence of the condition. Any employee shall

have the right to notify the safety committee of a safety condition in the work place. The safety committee shall develop procedures by which an employee may give such notification. The provisions of this section shall not apply to any employer who now or in the future has an established safety committee pursuant to contract or agreement with its employees or their representative.

Section 12. No employee shall be terminated by an employer solely because the employee has instituted or maintained any action against the employer to recover worker's compensation benefits under this chapter.

Section 13. The provisions of this act shall be applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975, with respect to compensation for occupational diseases generally, occupational pneumoconiosis generally, pneumoconiosis of coal miners and occupational exposure to radiation.

Section 14. The provisions of this act are expressly declared not to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, then this entire act shall be invalid and held for naught.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided it shall have no effect whatsoever with respect to the right of any injured employee to bring an action with respect to or upon any cause of action which arose or accrued prior to February 1, 1985. Provided further, it shall have no effect on and shall not apply to any accident or exposure to injurious condition occurring before the effective date of this Act.

Senator Drinkard moved that further consideration of the Bill, S.B. 19, and pending substitutes, be indefinitely postponed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Also:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

Also:

S. J. R. 44. COMMENDING SENATOR T. D. (TED) LITTLE OF

AUBURN, ALABAMA ON HIS ELECTION AS CHAIRMAN OF THE SOUTHERN LEGISLATIVE CONFERENCE.

Also:

S. J. R. 46. MOURNING THE DEATH OF JOHN T. REID OF SCOTTSBORO, ALABAMA.

Also:

S. J. R. 47. MOURNING THE DEATH OF JOE JOHN MONEY OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 49. COMMENDING MOZELLE S. WALLACE ON HER EIGHT-SEVENTH BIRTHDAY.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S.B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitutes.

The question was on the motion of Senator Drinkard that further consideration of the Bill, S.B. 19, and pending substitutes be indefinitely postponed.

RESOLUTION

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 51. COMMENDING THE CRICHTON OPTIMIST CLUB OF MOBILE, ALABAMA, AND THE LATE JAMES H. REYNOLDS, LIEUTENANT COLONEL, RETIRED.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Resitution Program, so as to further

specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S.B. 19

The Senate proceeded to further consideration of the Bill, S.B. 19, and pending substitutes.

The question was on the motion of Senator Drinkard that further consideration of the Bill, S.B. 19, and pending substitutes be indefinitely postponed.

ADJOURNMENT

The hour of midnight having arrived, in accordance with Motion heretofore adopted, and pending further consideration of S.B. 19, the Senate adjourned until Monday, January 7, 1985, at 12:01 A.M.

NINTH LEGISLATIVE DAY

MONDAY, JANUARY 7, 1985

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial CME Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Brian Moore, an intern with the Senate, who received his MA in Public Administration from Auburn University in Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senator Denton for today.

RECESS

At 12:15 A.M., on motion of Senator Teague, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 19. To supplement the Workmen's Compensation Act, so as to provide compensation for disability or death due to Cotton Textile Workers Lung Disease; to provide that the provisions of this act shall apply to employment contracts made on or after September 1, 1971; to provide for the manner of compensation, the rights and remedies of employees and civil and criminal liability of employers; and to provide for a limitation period of claims for compensation.

and pending substitutes.

The question was on the motion of Senator Drinkard that further consideration of the Bill, S.B. 19, and pending substitutes, be indefinitely postponed.

On motion of Senator Cooley, the motion to indefinitely postpone was laid on the table.

Senator Cooley then moved that further consideration of the Bill, S.B. 19, and pending substitutes, be postponed until the Eleventh Legislative Day, which motion was adopted.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 52. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id		Page
S. 34	Industrial Relations Dept., suppl. and cond. approp. from Second Injury Trust Fund for computers in workmen comp. div.	14
S. 33	Co-employee lawsuits, prohibited unless for willful misconduct, Workmen's Compensation benefits and benefit period increases physician selection regulated, safety notice, statements of limits altered; numerous code sections amended.	12

On motion of Senator Bishop, the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

And said Bill, S.B. 34, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford
Aldridge	Cooley	Figures	Little
Amari	Corbett	Foshee	Menton
Barron	Covington	Goodwin	Smith (B)
Bedford	deGraffenried	Hand	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett	Dixon	Horn	Teague
Bishop	Drinkard		

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Nays:

—0

THE BILL:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of

compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to amend Section 25-5-90 to provide for an increased limit on attorneys fees to 20% of the compensation awarded or paid; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

was taken up.

Senators Bishop and Cooley offered the following substitute for the Bill, S.B. 33, to-wit:

SUBSTITUTE FOR S.B. 33

A BILL TO BE ENTITLED AN ACT

To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section

25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the

employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature finds that actions filed on behalf of injured employees against officers, directors, agents, servants or employees of the same employer seeking to recover damages in excess of amounts received or receivable from the employer under the workers' compensation statutes of this state and predicated upon claimed negligent or wanton conduct resulting in injuries arising out of and in the course of employment are contrary to the intent of the legislature in adopting a comprehensive workers' compensation scheme and are producing a debilitating and adverse effect upon efforts to retain existing, and to attract new industry to this state. Specifically, the existence of such causes of action places this state at a serious disadvantage in comparison to the existing laws of other states with whom this state competes in seeking to attract and retain industrial operations which would provide better job opportunities and increased employment for people in this state. The existence of such causes of action, and the consequent litigation resulting therefrom, results in substantial costs and expenses to employers which, as a practical matter, must either procure additional liability insurance coverage for supervisory and management employees or fund the costs of defense, judgment or settlement from their own resources in order to retain competent and reliable personnel. The existence of such causes of action has a disruptive effect upon the relationship among employees and supervisory and management personnel. There is a total absence of any reliable evidence that the availability of such causes of action has resulted in any reduction of the number severity of on-the-job accidents or of any substantial improvement on providing safe working conditions and work practices. The intent of the legislature is to provide complete immunity to employers and limited immunity to officers, directors, agents, servants or employees of the same employer and to the workers' compensation insurance carrier and compensation service companies of the employer or any officer, director, agent, servant or employee of such carrier or company and to labor unions and to any official or representative thereof, from civil liability for all causes of action except those based on willful conduct and such immunity is an essential aspect of the workers' compensation scheme. The legislature hereby expressly reaffirms its intent, as set forth in Section 25-5-53, as amended herein, and Sections 25-5-144 and 25-5-194 of the Code of Alabama 1975, regarding the exclusivity of the rights and remedies of an injured employee, except as provided for herein.

Section 2. Section 25-5-1 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-1.

"Throughout this chapter, the following words and phrases as used therein shall be considered to have the following meanings, respectively, unless the context shall clearly indicate a different meaning in the connection used:

"(1) COMPENSATION. Such term indicates the money benefits to be paid on account of injury or death. Strictly speaking, the benefit which an employee may receive by action at law under article 2 of this chapter is

damages, and this is indicated in Section 25-5-31. To avoid confusion, the word 'compensation' has been used in this chapter, but it should be understood that under article 2 the compensation by way of damages is determined by a civil action. Such term does not include medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus furnished an employee on account of an injury.

"(2) CHILD or CHILDREN. Such terms include posthumous children and all other children entitled by law to inherit as children of the deceased; stepchildren who were members of the family of the deceased, at the time of the accident, and dependent upon him for support; a grandchild of the deceased employee, whose father is dead or is an invalid, and who was supported by and a member of the family of such deceased grandparent at the time of the accident.

"(3) DEPENDENT CHILD or ORPHAN. An unmarried child under the age of 18 years or one over that age who is physically or mentally incapacitated from earning.

"(4) EMPLOYER. Every person not excluded by Section 25-5-50 who employs another to perform a service for hire and pays wages directly to such person. Such term shall include any person, corporation, copartnership or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer being entitled to the employer's rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business; provided, however, that the inclusion of an employer's insurer within such term shall not provide such insurer with immunity from liability to an injured employee, or his dependents in the case of his death to whom the insurer would otherwise be subject to liability under the provision of Section 25-5-11. Notwithstanding any section of articles 2 and 3 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the 'employer' of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

"(5) PHYSICIAN. Such term shall include 'surgeon,' and, in either case, shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

"(6) EMPLOYEE, WORKER, WORKMEN and WORKMAN. Such terms are used interchangeably and have the same meaning throughout this chapter, and shall be construed to mean the same. Such terms include the ~~plural and all ages and both sexes~~. Such terms include every person not excluded by Section 25-5-50, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of this state and also including all employees of Tannehill furnace and foundry commission. Any reference in this chapter to a 'workman' or 'employee' shall, where the workman or employee is dead, include his dependents, as defined in this chapter, if the context so requires.

"(7) WAGES or WEEKLY WAGES. Such terms shall in all cases, unless the context clearly indicates a different meaning, be construed to mean 'average weekly earning.' Every person, not excluded by Section 26-5-50, in the service of another under any contract of hire, express or implied, oral or written, includes aliens and also includes minors who are legally permitted to work under the laws of the state.

“(8) ACCIDENT. Such term, as used in the phrases ‘personal injuries due to accident’ or ‘injuries or death caused by accident’ shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body or damage to an artificial member of the body by accidental means.

“(9) INJURIES BY AN ACCIDENT ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT. Without otherwise affecting either the meaning or interpretation of such clause, such clause does not cover workmen except while engaged in or about the premises where their services are being performed or where their service requires their presence as a part of such service at the time of the accident and during the hours of service as such workmen, and shall not include any injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him and not directed against him as an employee or because of his employment, and it shall not include a disease unless the disease results proximately from the accident.

“(10) SINGULAR AND PLURAL. Wherever the singular is used, the plural shall be included.

“(11) GENDER. Where the masculine gender is used, the feminine and neuter shall be included.

“(12) LOSS OF HAND OR FOOT. Amputations between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

“(13) THE COURT. Such term shall mean the circuit court which would have jurisdiction in an ordinary civil action involving a claim for the injuries or death in question, and ‘the judge’ shall mean a judge of said court.”

Section 3. Section 25-5-11 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-11.

“(a) Where the injury or death for which compensation is payable under this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, whether or not such party is subject to the provisions of this chapter, the employee, or his dependents in case of his death, may proceed against the employer to recover compensation under this chapter or may agree with the employer upon the compensation payable under this chapter, and, at the same time, may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to this chapter; provided, however, if such party other than the employer is a workers’ compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers’ compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or is a labor union, or any official or representative thereof, or is an officer, director, agent, servant or employee of the same employer, or his personal representative, the injured employee, or his dependents in the case of his death, may bring such an action against any workers’ compensation insurance carrier of the employer

or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer or such labor union or such person, or his personal representative, only for willful conduct which results in or proximately causes the injury or death. that neither an officer, director, agent, servant or employee of the same employer nor his personal representative nor any workmen's compensation insurance carrier of the employer nor any officer, director, agent, servant or employee of such carrier nor any labor union or any official or representative thereof making a safety inspection for the benefit of the employer or its employees shall be considered a party other than the employer against whom such an action may be brought. If the injured employee, or in case of his death his dependents, recover damages against such other party, the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under this chapter, there shall be no further liability on the employer to pay compensation on account of such injury or death. and To the extent of any such recovery of damages against such other, the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death. If the employee who recovers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be entitled to reimbursement for the amount of such compensation theretofore paid, and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recovery (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled.

"(b) If personal injury or death to any employee results from the willful conduct, as defined in subsection (c) herein, of any officer, director, agent, servant or employee of the same employer or any workers' compensation insurance carrier of the employer, or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or of a labor union, or an official or representative thereof, the employee shall have a cause of action against such person, workers' compensation carrier or labor union.

"(c) As used herein, 'willful conduct' means:

(1) a purpose or intent or design to injure another; and where a person, with knowledge of the danger or peril to another consciously pursues a course of conduct with a design, intent and purpose of inflicting injury, then he is guilty of 'willful conduct.'

(2) the willful and intentional removal from a machine of a safety guard or safety device provided by the manufacturer of the machine with knowledge that injury or death would likely or probably result from such removal; provided, however, removal of such a guard or device shall not be willful conduct unless such removal did, in fact, increase the danger of use of the machine and was not done for the purpose of repair of the machine or was not part of an improvement or modification of the machine which rendered the safety device unnecessary or ineffective; or

(3) the intoxication of another employee of the employer when the conduct of that employee has wrongfully and proximately caused injury or

death to the plaintiff or plaintiff's decedent, but no employee shall be guilty of willful conduct on account of the intoxication of any other employee or other person; or

(4) Willful and intentional violation of a specific written safety rule of the employer after written notice to the violating employee by another employee who, within six months after the date of receipt of such written notice, suffers injury resulting in death or permanent total disability as a proximate result of said willful and intentional violation. Said written notice to the violating employee must state with specificity all of the following: (1) the identity of the violating employee; (2) the specific written safety rule being violated and the manner of the violation; (3) that the violating employee has repeatedly and continually violated the specific written safety rule referred to in (2) above with specific reference to previous times, dates and circumstances; (4) that such violation places the notifying employee at risk of great injury or death. A notice that does not contain all of the above elements will not be valid notice for purposes of this section.

An employee shall not be liable for such willful conduct if the injured employee himself violated a safety rule, or otherwise contributed to his own injury and no employee shall be held liable under this paragraph for the violation of any safety rule by any other employee or for failing to prevent any violation by any other employee.

“(b) (d) In the event the injured employee or, in case of his death, his dependents do not file a civil action against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring a civil action against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee or his dependents, or in the event a proceeding is pending against the employer to require the payment of such compensation, such civil action may be maintained either in the name of the injured employee or, in case of his death, in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such civil action are in excess of the compensation payable by the employer under this chapter and costs, attorney's fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee or, in case of his death, for his dependents. In the event such injured employee has no dependents, his personal representative in the event of his death may bring a civil action against such other party to recover damages without regard to this chapter.

“(e)(e) In any settlement made under this section with a negligent third party by the employee or, in the case of his death, by his dependents, the employer shall be liable for that part of the attorney's fees incurred in the settlement with the third party, either with or without a civil action, in the same proportion that the amount of the reduction in the employer's liability to pay compensation bears to the total recovery had from such third party.”

“(f) For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company.

Section 4. Section 25-5-51 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-51.

"When an employer is subject to this article, compensation, according to the schedules hereinafter contained, shall be paid by every such employer, or those conducting the business during bankruptcy or insolvency, in every case of personal injury or death of his employee caused by an accident arising out of and in the course of his employment, without regard to any question of negligence; except, that no compensation shall be allowed for an injury or death caused by the wilful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or due to his own intoxication or his wilful failure or wilful refusal to use safety appliances provided by the employer, ~~or due to the wilful refusal or wilful neglect of the employee or servant to perform a statutory duty or due to any other wilful violation of the law by the employee or his wilful breach of a reasonable rule or regulation of his employer, of which rule or regulation the employee has knowledge.~~ If the employer defends on the ground that the injury arose in any or all of the last above stated ways, the burden of proof shall be on the employer to establish such defense."

Section 5. Section 25-5-53 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-53.

"The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death. Except as provided in this article and article 2, as the case may be, of this chapter, no employer included within the terms of this chapter ~~and no officer, director, agent, servant or employee of such employer~~ shall be held civilly liable for any personal injury to or death of any workman who is an employee of the same employer and whose injury or death is due to an accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. In addition, immunity from civil liability for all such causes of action except those based upon willful conduct shall also extend to any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation and to any labor union, or any official or representative thereof, and to any officer, director, agent, servant or employee of the same employer, or his personal representative. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. ~~The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant or employee of such carrier, and such immunity shall further extend to any labor union, or any official representative thereof, making a safety inspection for the benefit of the employer or its employee."~~

"For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company."

Section 6. Section 25-5-57 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-57.

(a) Compensation schedule. Following is a schedule of compensation:

(1) TEMPORARY TOTAL DISABILITY. For injury producing temporary total disability, the compensation shall be $66\frac{2}{3}$ percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in Section 25-5-68, but if at the time of injury the employee received average weekly earnings of less than the minimum stated in Section 25-5-68, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, ~~but not, however, beyond 300 weeks~~ but at such time as a temporary total disability shall become permanent, compensation for the continued total disability shall be governed by the provisions of (a) (4) of this section with respect to Permanent Total Disability. Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(2) TEMPORARY PARTIAL DISABILITY.

a. Amount and Duration of Compensation. In all cases of temporary partial disability, the compensation shall be $66\frac{2}{3}$ percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, but not, however, beyond 300 weeks. Payments shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in Section 25-5-68.

b. Effect of Change in Employment. If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee an additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee upon such demand fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(3) PERMANENT PARTIAL DISABILITY.

a. Amount and Duration of Compensation. For permanent partial disability, the compensation shall be based upon the extent of such disability. In cases included in the following schedule, the compensation shall be $66\frac{2}{3}$ percent of the average weekly earnings, during the number of weeks set out in the following schedule.

1. For the loss of a thumb, 62 weeks.
2. For the loss of a first finger, commonly called the index finger, 43 weeks.
3. For the loss of a second finger, 31 weeks.
4. For the loss of a third finger, 22 weeks.

5. For the loss of a fourth finger, commonly called the little finger, 16 weeks.

6. The loss of the first phalange of the thumb or of any finger shall be considered as equal to the loss of one half of such thumb or finger, and compensation shall be paid at the prescribed rate during one half of the time specified above for such thumb or finger.

7. The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

8. For the loss of a great toe, 32 weeks.

9. For the loss of any of the toes other than the great toe, 11 weeks.

10. The loss of the first phalange of any toe shall be considered to be equal to the loss of one half of such toe, and compensation shall be paid at the prescribed rate during one half the time prescribed above for such toe.

11. The loss of two or more phalanges shall be considered as the loss of an entire toe.

12. For the loss of a hand, 170 weeks.

13. For the loss of an arm, 222 weeks.

14. For the loss of a foot, 139 weeks.

15. Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

16. For the loss of a leg, 200 weeks.

17. For the loss of an eye, 124 weeks.

18. For the complete and permanent loss of hearing in both ears, 163 weeks.

19. For the complete and permanent loss of hearing in one ear, 53 weeks.

20. For the loss of an eye and a leg, 350 weeks.

21. For the loss of an eye and one arm, 350 weeks.

22. For the loss of an eye and a hand, 325 weeks.

23. For the loss of an eye and a foot, 300 weeks.

24. For the loss of two arms, other than at the shoulder, 400 weeks.

25. For the loss of two hands, 400 weeks.

26. For the loss of two legs, 400 weeks.

27. For the loss of two feet, 400 weeks.

28. For the loss of one arm and the other hand, 400 weeks.

29. For the loss of one hand and one foot, 400 weeks.

30. For the loss of one leg and the other foot, 400 weeks.

31. For the loss of one hand and one leg, 400 weeks.

32. For the loss of one arm and one foot, 400 weeks.

33. For the loss of one arm and one leg, 400 weeks.

34. For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, $66\frac{2}{3}$ percent of the average weekly earnings for such period as the court may determine, but not exceeding 100 weeks.

b. Successive or Concurrent Temporary Total and Permanent Partial Disabilities Resulting from Same Injury. When a permanent partial disability, the number of weeks compensation for which is scheduled in subdivision (a) (3) of this section, follows or accompanies a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

c. Concurrent Disabilities. Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this paragraph shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

d. Loss of Use of Member. In all cases, the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member; but in such cases the compensation in and by said schedule shall be in lieu of all other compensation, except as otherwise provided herein. In case of permanent disability due to injury to a member resulting in less than total loss of use of such member not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member which the extent of the injury to the member bears to its total loss.

e. Effect of Refusal of Suitable Employment. If an injured employee refuses employment suitable to his capacity offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless at any time, in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

f. Maximum and Minimum Compensation Awards. All compensation provided in this subsection (a) for loss of members or loss of use of members is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 25-5-68.

g. Compensation for Permanent Partial Disabilities Not Enumerated. In all other cases of permanent partial disability not above enumerated, the compensation shall be $66\frac{2}{3}$ percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition, subject to the same maximum weekly compensation as stated in section 25-5-68. When a permanent partial disability, compensation for which is not calculated

by use of the schedule in subdivision (a) (3) of this section, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, but not, however, beyond 300 weeks.

h. Affidavit of New Employment. In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subdivision (a) (2) of this section.

(4) PERMANENT TOTAL DISABILITY.

a. Amount, Duration and Payment of Compensation. For permanent total disability, as defined in paragraph d of this subdivision, 66-2/3 percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly compensation as stated in section 25-5-68; provided, that if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 25-5-68, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in said paragraph d of this subdivision. Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree. Such payments, with the approval of the circuit judge or by agreement of the parties, may be made monthly, quarterly or otherwise as the parties may agree. Payments for permanent total disability shall not be ordered to be paid in a lump sum without the consent of both the employer and the employee.

b. Alteration, Amendment or Revision of Compensation. At any time, the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and, if the court is so satisfied after a hearing, it shall alter, amend or revise the award accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee and if the employer terminates the payment of such benefits, the employee may, within one two years of the last payment, petition the court to reinstate such benefits and, upon a showing that such permanent total disability still exists, shall be entitled to have such benefits reinstated effective the date of the last payment.

c. Employees in Public Institutions. In case an employee, who is permanently and totally disabled, becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 25-5-61 and 25-5-62, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subdivision shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such

institution; provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 25-5-61 and 25-5-62 from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institution. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay for the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payments shall be directly paid to said guardian.

d. Definition. The total and permanent loss of the sight of both eyes or the loss of both arms at the shoulder or any physical injury or mental impairment resulting from an accident, which injury or impairment permanently and totally incapacitates the employee from working at and being retrained for gainful employment, shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided, that any employee whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

e. Second Permanent Injuries Generally. If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident, such as is specified in the provisions of this section defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

f. Second Permanent Injury Resulting in Permanent Total Disability Where First Injury Not in Same Employment. If an employee receives a permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed, and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee, and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

g. Second Permanent Injury in Same Employment Resulting in Permanent Total Disability. If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

h. Concurrent Compensation Payments. If an employee received an injury for which compensation is payable while he is still receiving or entitled to

compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury is a permanent injury, such as specified in this section, but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under this article and article 2 of this chapter.

If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of paragraph e of this subdivision, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding 700 weeks.

i. Effect of Rehabilitation or Recovery on Permanent Total Disability Benefits. In the event an employee who is receiving benefits for permanent total disability shall, as a result of physical or vocational rehabilitation or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, that at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to 66-2/3 percent of the difference, subject to each of the following limitations:

1. The employer's liability for the payment of 66-2/3 percent of such difference shall continue for 200 weeks from the date of reemployment or 300 weeks from the date of injury, whichever is the longer period;

2. In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and

3. No payments shall be due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

j. Affidavit of Gainful Employment. In the event an employee who is receiving benefits for permanent total disability shall, as the result of physical or vocational rehabilitation or otherwise, obtain gainful employment with an employer other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment; and, until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished.

(5) DEATH FOLLOWING DISABILITY. In case a workman sustained an injury occasioned by an accident arising out of and in the course of his

employment and, during the period of disability caused thereby, death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workman who has sustained a permanent partial or permanent total disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom, the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, whether or not the decedent employee was receiving compensation for permanent total disability, not exceeding, however, the amount that would have been due the surviving spouse and/or dependent children if death had resulted proximately from the injury. Except as provided in this subdivision, no benefits shall be payable on account of death resulting, proximately or not proximately, from an injury on account of which compensation is being paid to an employee.

(6) HERNIA.

a. Proof. In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

1. That there was an injury resulting in hernia,
2. That the hernia appeared suddenly,
3. That it was accompanied by pain,
4. That the hernia immediately followed an accident, and
5. That the hernia did not exist prior to the accident for which compensation is claimed.

b. Treatment. All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment, shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(b) Computation of compensation; determination of average weekly earnings. Compensation under this section shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury divided by 52, but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of such 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer or the casual nature or terms of the employment it is impracticable to compute

the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the 52 weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. Whatever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract shall be deemed a part of his earnings.

Section 7. Section 25-5-68 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-68.

“(a) With respect to injury or death resulting from an accident occurring ~~after November 13, 1975, and before February 1, 1976~~ 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, 25 percent of the average weekly wage of the state ~~for calendar year 1974~~, as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than $66\frac{2}{3}$ percent of such average weekly wage of the state.

“(b) With respect to injury or death resulting from an accident occurring on or after February 1, 1976 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, $25\frac{1}{2}$ percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than $66\frac{2}{3}$ 100 percent of such average weekly wage; except that the maximum compensation payable for permanent partial disability shall be no more than the lesser of \$220 per week or 100 percent of such average weekly wage.

“(c) For the purpose of this section, the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52, and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12-month period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following 30 days after such determination is made.

“(d) The maximum and minimum weekly benefit shall not be changed on any July 1 or as a result of any annual determination, unless the computation provided for in subsection (c) of this section results in an increase or decrease of \$2.00 or more in the amount of either the maximum or minimum benefit.

“(e) In no event, except as provided for permanent total disability in subdivision (a) (4) of Section 25-5-57 or except for compensation benefits payable for permanent partial and temporary total disability in connection with a disability scheduled in subdivisions (1) and (3) of subsection (a) of Section 25-5-57, shall the total amount of compensation payable for any

accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

“(f) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.

Section 8. Section 25-5-77 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-77.

“(a) In addition to the compensation provided in this article, the employer shall pay the actual cost of the repair, refitting or replacement of artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, ~~original~~ artificial members and other apparatus as may be obtained by the injured employee or, in case of death, obtained during the period occurring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, the employee may so advise the employer, and in such event the employee shall be entitled to select a second physician from a panel or list of four physicians selected by the employer. ~~referred to a second physician selected by the employer. If the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer, and, in such event, the employee shall be referred to a third physician selected by the employer.~~ In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be entitled to select a second surgeon from a panel or list of four surgeons selected by the employer. ~~If four physicians or surgeons are not available to be listed, the employer shall include on the list as many as are available. The four physicians or surgeons selected by the employer hereunder shall not be from or members of the same firm, partnership or professional corporation.~~ ~~referred to a second surgeon selected by the employer. If the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer, and, in such event, the employee shall be referred to a third surgeon selected by the employer.~~ The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation.

“(b) The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer, but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the

services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and to report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter, his right to compensation shall be suspended and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee who treats or makes or is present at any examination of any injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer and without consent of or notice to the employee or employer not making such request, furnish such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same. The term 'physicians' shall include medical doctor, surgeon and chiropractor. Any hospital, medical clinic, rehabilitation service or other person or entity providing treatment to an employee or providing facilities at which the employee receives treatment shall, upon the written request of the employee or of the employer, furnish the employee or the employer a copy of the records, including x-rays and laboratory reports, relating to such treatment. Such copy may be furnished without the consent of or notice to the employee or employer not making such request. Any physician, hospital, medical clinic, rehabilitation service or other person or entity providing any written statement of professional opinion or copies of records pursuant to this subsection shall not be liable to any person for any claim arising out of the release of medical information concerning the employee.

“(c) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee who is unable in the opinion of the treating physician to return to his former employment shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

“(d) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal.”

Section 9. Section 25-5-80 of the Code of Alabama 1975, is hereby amended to read as follows:

“§ 25-5-80.

“In case of a personal injury, all claims for compensation under this article and article 2 of this chapter shall be forever barred unless within ~~one~~ two years after the accident the parties shall have agreed upon the compensation payable under this article and article 2 of this chapter or unless within ~~one~~ two years after the accident one of the parties shall have filed a verified complaint as provided in section 25-5-88. In case of death, all claims for compensation shall be forever barred unless within ~~one~~ two years after death, when the death results proximately from the accident within three years, the parties shall have agreed upon the compensation under this article and article 2 of this chapter, or unless within ~~one~~ two years after such death one of the parties shall have filed a verified complaint as provided in Section 25-5-88. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of ~~one~~ two years from the time of making the last payment. In case of physical or mental incapacity, other than the minority of the injured person or his dependents, to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended to become effective ~~one~~ two years from the date when such incapacity ceases.

Section 10. Upon the written request of any employee, each employer subject to the workmen's compensation law shall appoint a safety committee. The safety committee shall consist of not less than three committee members, one of whom must be a non-supervisory employee. The safety committee shall advise the employer regarding safety in the work place, including suggestions from employees regarding safety conditions in the work place. Any employee shall have the right to notify the safety committee of a safety condition in the work place. The safety committee shall develop procedures by which an employee may give such notification. The provisions of this section shall not apply to any employer who now or in the future has an established safety committee pursuant to contract or agreement with its employees or their representative.

Section 11. No employee shall be terminated by an employer solely because the employee has instituted or maintained any action against the employer to recover worker's compensation benefits under this chapter or solely because the employee has filed a written notice of violation of a safety rule pursuant to §25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof.

Section 12. The provisions of this act shall be applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975, with respect to compensation for occupational diseases generally, occupational pnueumoconiosis generally, pnueumoconiosis of coal miners and occupational exposure to radiation.

Section 13. The provisions of this act are expressly declared not to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, then this entire act shall be invalid and held for naught.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided it shall have no effect whatsoever with respect to the right of any injured employee to bring an action with respect to or upon any cause of action which arose or accrued prior to February 1, 1985. Provided further, it shall have no effect on and shall not apply to any accident or exposure to injurious condition occurring before the effective date of this Act.

RESOLUTION

Senators Amari and Hilliard offered the following Senate Resolution, to-wit:

S. R. 53. DESIGNATING GOODLOE RUTLAND "CHAIRMAN EMERITUS" BIRMINGHAM-JEFFERSON CIVIC CENTER BOARD.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 33

The Senate proceeded to further consideration of the Bill, S.B. 33. The question was on the substitute offered by Senators Bishop and Cooley.

RESOLUTION

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 54. COMMENDING COACH JIM KIRBY OF DEKALB COUNTY'S VALLEY HEAD HIGH SCHOOL.

Which was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 33

The Senate proceeded to further consideration of the Bill, S.B. 33. The question was on the substitute offered by Senators Bishop and Cooley.

And said substitute was then adopted.

Yeas 24; Nays 8.

Yeas:

Senators:	Bishop	Dixon	Little
Amari	Cabaniss	Ellis	Mitchem
Bailey	Cooley	Foshee	Smith (B)
Barron	Covington	Goodwin	Smith (J)
Bedford	deGraffenried	Hand	Strong
Bedsale	Dial	Holmes	Teague
Bennett			

Nays:

Senators:	Drinkard	Hilliard	Langford
Aldridge	Figures	Horn	Sanders
Corbett			

—8

Senator Parsons offered the following amendment to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED BY SUBSTITUTE

In the title, on page 4, line 25, after the word "hereof" insert the following:

to amend Section 25-5-50 of the Code of Alabama 1975, so as to delete certain exemptions from coverage under Workmen's Compensation that provide that corporate officers may elect to be exempt from coverage

Also on page 35, on line 38 insert new section 13 as follows and renumber remaining sections accordingly:

Section 13. Section 25-5-50 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 25-5-50. This article and article 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter or to persons whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession or occupation of the employer or to any employer who regularly employs less than three employees in any one business or to any municipality having a population of less than 2,000 according to the most recent federal decennial census. Any individual employer, as defined in section 25-5-1 hereof, any employer who regularly employs less than three employees in any one business, any farmer, or any municipality having a population of less than 2,000 according to the most recent federal decennial census may accept the provisions of this article and article 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of said employer; provided further, that any employer who has so elected to accept the provisions of this article and article 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

~~"Notwithstanding the foregoing paragraph, any officer of a corporation may elect annually to be exempt from coverage by filing written certification of such election with the department of industrial relations and his insurance carrier.~~

~~"A corporate officer who has exempted himself by proper certification from coverage may at the end of any calendar year revoke such exemption and thereby accept coverage by filing written certification of his election to be covered with the department of industrial relations and his insurance carrier.~~

~~"The certification for exemption or reinstatement of coverage shall become effective on the first day of the calendar month following the filing of the certification of exemption or reinstatement of coverage with the department of industrial relations.~~

~~"In the event that the corporate officer election occurs, such election shall not relieve the employer from continuing coverage for all other eligible~~

~~employees who may have been covered prior to the election or who may subsequently be employed by the firm."~~

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 24; Nays 10.

Yeas:

Senators:	Bishop	Dixon	Little
Almari	Cabaniss	Ellis	Menton
Bailey	Cooley	Foshee	Mitchem
Barron	Covington	Goodwin	Smith (B)
Bedford	deGraffenried	Hand	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett			

—24

Nays:

Senators:	Drinkard	Horn	Sanders
Aldridge	Figures	Langford	Teague
Corbett	Hilliard	Parsons	

—10

Senator Parsons then offered the following amendment No. 2 to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

In the title, on page 4, line 25, after the word "hereof" insert the following:

to amend Section 25-5-50 of the Code of Alabama 1975, so as to delete certain exemptions from coverage under Workmen's Compensation that provide that corporate officers may elect to be exempt from coverage

Also on page 35, on line 38 insert new section 13 as follows and renumber remaining sections accordingly:

Section 13. Section 25-5-50 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 25-5-50. This article and article 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter or to persons whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession or occupation of the employer or to any employer who regularly employs less than three employees in any one business or to any municipality having a population of less than 2,000 according to the most recent federal decennial census. Any individual employer, as defined in section 25-5-1 hereof, any employer who regularly employs less than three employees in any one business, any farmer, or any municipality having a population of less than 2,000 according to the most recent federal decennial census may accept the provisions of this article and article 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of said employer; provided further, that any employer who has so elected to accept the provisions of this article and article 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

"Notwithstanding the foregoing paragraph, any officer of a corporation employee may elect annually to be exempt from coverage by filing written certification of such election with the department of industrial relations and his insurance carrier.

~~"A corporate officer~~ An employee who has exempted himself by proper certification from coverage may at the end of any calendar year revoke such exemption and thereby accept coverage by filing written certification of his election to be covered with the department of industrial relations and his insurance carrier.

"The certification for exemption or reinstatement of coverage shall become effective on the first day of the calendar month following the filing of the certification of exemption or reinstatement of coverage with the department of industrial relations.

"In the event that ~~the corporate officer~~ an employee election occurs, such election shall not relieve the employer from continuing coverage for all other eligible employees who may have been covered prior to the election or who may subsequently be employed by the firm."

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 22; Nays 10.

Yeas:

Senators:	Bishop	Dixon	Menton
Amari	Cabaniss	Foshee	Mitchem
Bailey	Cooley	Goodwin	Smith (B)
Bedford	Covington	Hand	Smith (J)
Bedsole	deGraffenried	Holmes	Strong
Bennett	Dial	Little	

—22

Nays:

Senators:	Drinkard	Horn	Sanders
Aldridge	Figures	Langford	Teague
Corbett	Hilliard	Parsons	

—10

Senator Parsons then offered the following amendment No. 3 to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

On page four, lines 12 and 13 of the Title, delete all language beginning with the word "a" on line 12 and continuing through the word "employer" on line 13 and insert in lieu thereof the following language:

the physician and/or chiropractor or surgeon of his or her choice with the employer having a right of rejection no more than three times;

On page 31, lines 11 and 12, delete all language beginning with the first "a" on line 11 and continuing through the word "employer" on line 12 and insert in lieu thereof the following:

the physician and/or chiropractor of his or her choice and the employer shall have a right of refusal as to such choice no more than three times before being required to accept any fourth or subsequent physician and/or chiropractor selected by the employee and such physician's and/or chiropractor's services shall be paid for by the employer.

On page 31, lines 20 through 26, delete all language beginning with the first "a" on line 20 and continuing through the word "corporation" on line 26 and insert in lieu thereof the following language:

the surgeon of his or her choice and the employer shall have a right of refusal as to such choice no more than three times before being required to accept any

fourth or subsequent surgeon selected by the employee and such surgeon's services shall be paid for by the employer.

Senator Cooley moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 16.

Yeas:

Senators:	Cabaniss	Dial	Hand	
Bailey	Cooley	Dixon	Smith (B)	
Bedsole	Covington	Goodwin	Strong	
Bishop	deGraffenried			—13

Nays:

Senators:	Drinkard	Horn	Sanders	
Aldridge	Figures	Langford	Teague	
Amari	Foshee	Little		
Bedford	Hilliard	Menton		
Bennett	Holmes	Parsons		—16

Senator Parsons moved that said amendment No. 3 be adopted, which motion was lost.

Yeas 16; Nays 17.

Yeas:

Senators:	Bishop	Foshee	Langford	
Aldridge	Corbett	Hilliard	Parsons	
Amari	Drinkard	Holmes	Sanders	
Bedford	Figures	Horn	Teague	
Bennett				—16

Nays:

Senators:	Covington	Ellis	Mitchem	
Bailey	deGraffenried	Goodwin	Smith (B)	
Bedsole	Dial	Hand	Smith (J)	
Cabaniss	Dixon	Little	Strong	
Cooley		Menton		—17

Senator Parsons then offered the following amendment No. 4 to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

On page 4, line 28, after the colon insert the following language:

to provide that before any benefits may be terminated on the opinion of an employer's physician that an injured employee has reached the maximum point of medical recovery, a physician selected by such employee and paid for by the employer must concur in such opinion.

On page 35, line 31, after the end of Section 11, insert a new Section 12 to read as follows and renumber the remaining sections accordingly:

Section 12. Before any workmen's compensation benefits may be terminated on the opinion of an employer's physician that an injured employee

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has reached the maximum point of medical recovery, a physician selected by such injured employee and paid for by the employer must concur in such opinion.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 23; Nays 9.

Yeas:

Senators:	Bishop	Dixon	Little	
Bailey	Cabaniss	Ellis	Menton	
Barron	Cooley	Foshee	Mitchem	
Bedford	Covington	Goodwin	Smith (B)	
Bedsole	deGraffenried	Hand	Smith (J)	
Bennett	Dial	Holmes	Strong	—23

Nays:

Senators:	Drinkard	Horn	Parsons	
Aldridge	Figures	Langford	Sanders	
Corbett	Hilliard			—9

Senator Parsons then offered the following amendment No. 5 to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

On page 4, line 28, after the colon insert:

and to prescribe that any workmen compensation self-insured employer in the State of Alabama or any insurance company which provides workmen compensation insurance coverage within the State of Alabama must maintain a permanent claims office within the State of Alabama.

On page 35, line 31, after Section 11, insert a new Section 12, to read as follows and to renumber the remaining sections accordingly.

Section 12. Any workmen's compensation self-insured employer in the State of Alabama or any insurance company which provides workmen's compensation insurance coverage within the State of Alabama shall maintain a permanent claims office within the state.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 24; Nays 10.

Yeas:

Senators:	Bishop	Dixon	Little	
Amari	Cabaniss	Ellis	Menton	
Bailey	Cooley	Foshee	Mitchem	
Barron	Covington	Goodwin	Smith (B)	
Bedford	deGraffenried	Hand	Smith (J)	
Bedsole	Dial	Holmes	Strong	
Bennett				—24

Nays:

Senators:	Drinkard	Horn	Sanders	
Aldridge	Figures	Langford	Teague	
Corbett	Hilliard	Parsons		—10

Senator Parsons then offered the following amendment No. 6 to the Bill, S. B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED BY SUBSTITUTE

On page 4, line 7, after the semicolon, insert the following language:

provide that no increases in premiums for workmen's compensation resulting from this act shall be passed on to an employer employing less than one hundred employees;

On page 35, line 31, after the period insert the following language:

Provided further, that under no circumstances shall any increases in premiums for workmen's compensation benefits resulting from this act be assessed or in other manner passed on to any employer who employs less than one hundred employees.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 23; Nays 10.

Yeas:

Senators:	Bishop	Dixon	Little	
Amari	Cabaniss	Ellis	Menton	
Bailey	Cooley	Foshee	Mitchem	
Barron	Covington	Goodwin	Smith (B)	
Bedsole	deGraffenried	Hand	Smith (J)	
Bennett	Dial	Holmes	Strong	—23

Nays:

Senators:	Drinkard	Horn	Sanders	
Aldridge	Figures	Langford	Teague	
Corbett	Hilliard	Parsons		—10

Senator Parsons then offered the following amendment No. 7 to the Bill, S. B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED BY SUBSTITUTE

Amend S. B. 33 as last amended or substituted on page 34, by adding after subsection "(d) the following new subsection:

"(e) Treatment by spiritual means. Nothing in this chapter shall be construed to require a workman who in good faith relies on or is treated by prayer or spiritual means by a duly accredited practitioner of a well-recognized church to undergo any medical or surgical treatment nor shall such workman or his dependents be deprived of any compensation payments to which he would be entitled if medical or surgical treatment were employed, and the employer or insurance carrier may pay for treatment by prayer or spiritual means."

On motion of Senator Cooley, said amendment was laid on the table.

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Yeas 18; Nays 9.

Yeas:

Senators:	Cabaniss	Dixon	Menton
Bailey	Cooley	Ellis	Smith (B)
Barron	Covington	Goodwin	Smith (J)
Bedsole	deGraffenried	Hand	Strong
Bishop	Dial	Holmes	

—18

Nays:

Senators:	Drinkard	Langford	Teague
Aldridge	Figures	Parsons	
Corbett	Horn	Sanders	

—9

Senator Corbett offered the following amendment to the Bill, S. B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED BY SUBSTITUTE

Amend Senate Bill No. 33 as amended by substitute Page 36 Line 3, by striking out entire section 13 and inserting section 13 to read as follows

“The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.”

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 23; Nays 10.

Yeas:

Senators:	Bennett	Dial	Little
Amari	Bishop	Dixon	Menton
Bailey	Cabaniss	Ellis	Mitchem
Barron	Cooley	Goodwin	Smith (B)
Bedford	Covington	Hand	Smith (J)
Bedsole	deGraffenried	Holmes	Strong

—23

Nays:

Senators:	Drinkard	Horn	Sanders
Aldridge	Figures	Langford	Teague
Corbett	Hilliard	Parsons	

—10

Senator Corbett then offered the following amendment No. 2 to the Bill, S. B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 33, AS AMENDED BY SUBSTITUTE

Amend Senate Bill No. 33- as amended by substitute Page 35 Line 14, by striking out one after the word members, and inserting 66 2/3% Line 15 after the word employee:

and inserting

Fifty percent (50%) of the non-supervisory employee committee members shall be appointed by the company. Fifty percent (50%) of the non-supervisory employee committee members shall be elected by secret ballot in an election held and voted in by non-supervisory employees only; the manner and method of which shall be determined by the non-supervisory employees.

Also:

Amend Senate Bill No. 33 as amended by Substitute Page 24 by inserting after the word representative. Insert. Any safety committee suggestion reported to the Company as a majority report regarding a safety condition shall become a safety rule on the thirtieth (30th) working day after being presented to the Company.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 18; Nays 12.

Yeas:

Senators:	Cabaniss	Ellis	Mitchem	
Bailey	Cooley	Goodwin	Smith (B)	
Barron	deGraffenried	Hand	Smith (J)	
Bedsole	Dial	Holmes	Strong	
Bishop	Dixon	Menton		—18

Nays:

Senators:	Drinkard	Hilliard	Little	
Aldridge	Figures	Horn	Sanders	
Bedford	Foshee	Langford	Teague	
Corbett				—12

Senator Drinkard offered the following amendment to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

Amend Senate Bill No. 33 as amended by substitute, page 35, line 13, by striking out "appoint" after the word "shall" and inserting the word "establish" and on line 15 by inserting after the word "employee" "who shall be elected by a major vote of the non-supervisory employees."

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 18; Nays 15.

Yeas:

Senators:	Bishop	Dial	Hand	
Amari	Cabaniss	Dixon	Holmes	
Bailey	Cooley	Ellis	Smith (B)	
Barron	Covington	Foshee	Smith (J)	
Bedsole	deGraffenried	Goodwin		—18

Nays:

Senators:	Corbett	Horn	Mitchem	
Aldridge	Drinkard	Langford	Sanders	
Bedford	Figures	Little	Strong	
Bennett	Hilliard	Menton	Teague	—15

Senator Aldridge offered the following amendment to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

On page 11, in line 4 after the period add the following:

However, at the election of the employee, in any action pursuant to this section in which any defendant thereto asserts that the employee's injury

or death resulted in whole or in part as a consequence of the negligence or wanton or willful conduct of the employer or his agents, servants, employees or directors, the employer's right to reimbursement shall be conditioned upon the following: (1) The employer must intervene in said action; and (2) The jury must find that the employer's negligence or wanton or willful conduct did not contribute to causing the employee's injury or death. Any compensation or medical benefits paid or payable to the employee from the employer, under the provisions of the worker's compensation act, shall not be admissible in evidence in such action, upon election of the employee.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 19; Nays 14.

Yeas:

Senators:	Cabaniss	Dixon	Menton	
Bailey	Cooley	Ellis	Mitchem	
Barron	Covington	Goodwin	Smith (B)	
Bedsole	deGraffenried	Hand	Smith (J)	
Bishop	Dial	Little	Strong	—19

Nays:

Senators:	Bennett	Hilliard	Parsons	
Aldridge	Drinkard	Holmes	Sanders	
Amari	Figures	Horn	Teague	
Bedford	Foshee	Langford		—14

Senator Teague offered the following amendment to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

Amend Substitute for Senate Bill 33 by adding on line 25 after the word "weekly" the following:

"wage, if however \$220.00 is less than 66 2/3 of such average weekly wage, then the maximum compensation payable for permanent partial disability shall be no more than 66 2/3 of such average weekly wage."

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 19; Nays 14.

Yeas:

Senators:	Cabaniss	Dixon	Menton	
Bailey	Cooley	Foshee	Mitchem	
Barron	Covington	Goodwin	Smith (B)	
Bedsole	deGraffenried	Hand	Smith (J)	
Bishop	Dial	Little	Strong	—19

Nays:

Senators:	Bennett	Hilliard	Parsons	
Aldridge	Corbett	Holmes	Sanders	
Amari	Drinkard	Horn	Teague	
Bedford	Figures	Langford		—14

Senator Figures offered the following amendment to the Bill, S.B. 33, as amended by the substitute, to-wit:

AMENDMENT TO S.B. 33, AS AMENDED BY SUBSTITUTE

On page 12, after line 4 strike out the existing (4) and insert in lieu thereof the following:

(4) Failure to correct a specific continuing violation of the employer's safety rules after written notice of a violation of said rule if the violation of said rules causes death or permanent total disability. In the event the employer has not established specific safety rules then the accepted and recognized safety standards and practices of the industry in which the employer is engaged shall apply to such employer for purposes of this provision. Provided, however, that in any event the recovery under this violation shall not exceed one million dollars (\$1,000,000.00).

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 22; Nays 10.

Yeas:

Senators:	Bishop	Dixon	Menton	
Amari	Cabaniss	Ellis	Mitchem	
Bailey	Cooley	Goodwin	Smith (B)	
Barron	Covington	Hand	Smith (J)	
Bedford	deGraffenried	Holmes	Strong	
Bedsole	Dial	Little		—22

Nays:

Senators:	Drinkard	Horn	Sanders	
Aldridge	Figures	Langford	Teague	
Corbett	Hilliard	Parsons		—10

And said Bill, S.B. 33, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 10.

Yeas:

Senators:	Bishop	Dixon	Little	
Amari	Cabaniss	Ellis	Menton	
Bailey	Cooley	Foshee	Mitchem	
Barron	Covington	Goodwin	Smith (B)	
Bedford	deGraffenried	Hand	Smith (J)	
Bedsole	Dial	Holmes	Strong	
Bennett				—24

Nays:

Senators:	Drinkard	Horn	Sanders	
Aldridge	Figures	Langford	Teague	
Corbett	Hilliard	Parsons		—10

Senator Cooley moved that the Senate reconsider the vote by which the Bill, S.B. 33, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF H.B. 14

The Senate proceeded to further consideration of the Bill:

H. 14. To amend Section 12-12-31. Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

and pending Hilliard substitute and amendment, which said substitute and amendment are set out in the Journal for the Sixth Legislative Day, and postponed subject to call of the Chair.

And on motion of Senator Hilliard, said substitute and amendment were laid on the table.

And said Bill, H.B. 14, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Aldridge	Corbett	Foshee	Little	
Amari	Covington	Goodwin	Menton	
Bailey	deGraffenried	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bedford	Dixon	Holmes	Strong	
Bedsole	Drinkard	Horn	Teague	
Bishop	Ellis			—29

Nays: —0

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill:

H. 12. To amend Section 2-8-10. Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

And said Bill, H.B. 12 was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas

Senators:	Corbett	Goodwin	Menton	
Aldridge	Covington	Hand	Mitchem	
Bailey	deGraffenried	Hilliard	Parsons	
Barron	Dial	Horn	Smith (J)	
Bedford	Dixon	Langford	Strong	
Bennett	Ellis	Little	Teague	
Cabaniss				—24

Nays: —0

RESOLUTION

Senators Strong, Aldridge, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Teague offered the following Senate Resolution, to-wit:

S. R. 55. EXTENDING HAPPY BIRTHDAY WISHES TO OUR COLLEAGUE, SENATOR ANN BEDSOLE.

Which was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leaves to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete

the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

CHARLES BISHOP,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 2

S. B. 18

S. J. R. 44

S. J. R. 46

S. J. R. 47

S. J. R. 49

Delivered to the Governor January 7, 1985, at 8:05 A.M.

S. B. 6

Delivered to the Governor January 7, 1985, at 6:17 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 8:30 P.M., on motion of Senator deGraffenried, the Senate adjourned until Tuesday, January 8, 1985, at 6 o'clock P.M.

TENTH LEGISLATIVE DAY

TUESDAY, JANUARY 8, 1985

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Willie McQueen, Deacon, Pilgrim Baptist Church, Ramer, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Julie Myers, Carver Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Dixon	Little
Aldridge	Corbett	Foshee	Menton
Bailey	Covington	Hand	Smith (J)
Barron	deGraffenried	Horn	Strong
Bedsole	Dial	Langford	Teague
Bishop			

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Amari, Bedford, Bennett, Cabaniss, Denton, Drinkard, Ellis, Figures, Goodwin, Hilliard, Holmes, Mitchem, Parsons, Sanders, and Smith (B) for today.

RESOLUTIONS

Senators Dixon, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. COMMENDING TONY FONTAINE OF MONTGOMERY ON HIS DISTINGUISHED CAREER WITH SOUTH CENTRAL BELL.

WHEREAS, on December 31, 1984, Tony Fontaine retired from South Central Bell following a distinguished tenure of service which spanned a period of some 31 years; and

WHEREAS, during his outstanding career, Mr. Fontaine served with dedicated loyalty in a number of responsible positions with the utility, retiring as an equipment technician; and

WHEREAS, as Mr. Fontaine's employment responsibilities included numerous and regular Capitol assignments, it was our pleasure to come to know him personally and our friendship is one we value most highly; and

WHEREAS, in addition to his career, Mr. Fontaine also has long been dedicated in service to his community; he is a deacon at Highland Gardens Baptist Church and serves currently as president of the Blue-Gray Softball Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Tony Fontaine of Montgomery, Alabama, on his outstanding career with South Central Bell.

BE IT FURTHER RESOLVED, That we wish him every happiness and success in retirement and direct that he receive a copy of this resolution that he and his wife of 30 years, Mrs. Jean Fontaine, and their children, Mitford, Alta Lynn and Shannon, may know of our sincere warm praise and personal regard.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon, deGraffenried, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. MOURNING THE DEATH OF FORMER UNITED STATES SENATOR JOSEPH LISTER HILL OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama record the death of Joseph Lister Hill of Montgomery, Alabama, on December 20, 1984, at the age of 89 years; and

WHEREAS, Joseph Lister Hill, born in Montgomery on December 29, 1894 to Doctor Luther Leonidas and Lilly Lyon Hill, was graduated from the Starke University in Montgomery whereupon he entered the University of Alabama at the age of 16, graduating Phi Beta Kappa in just four years with both the bachelor and law degrees; and

WHEREAS, he also graduated in law from New York's Columbia University and was subsequently awarded honorary LL.D. degrees from six colleges and universities, as well as the honorary Doctor of Science degree from both Hahnemann Medical College of Philadelphia and New York Medical College; and

WHEREAS, Lister Hill began law practice in Montgomery in 1916 and was elected President of the Montgomery Board of Education at the age of 22, the youngest school board president in the United States; he also served honorably and with distinction in the United States Army during World War I, resuming the practice of law following his military service; and

WHEREAS, in 1923, at the age of 27, Lister Hill was elected to the Congress from the Second Alabama District and was renominated and re-elected seven times without opposition, serving until he was appointed to a vacancy in the United States Senate in January 1938; he won election in April of 1938 and was re-elected four times before retiring in 1969; and

WHEREAS, he served as Majority Whip in the Senate during the 77th through the 79th Congresses, was a member and chairman of many important committees and was the author of such landmark legislation as the TVA Act, the Rural Telephone Act, the Vocational Education Act, the G. I. Bill of Rights for World War II and Korean Veterans and the Rural Library Services Act, among others, and was a co-author of the National Defense Education Act of 1958; and

WHEREAS, with major legislation to his credit in many areas, Senator Hill was best known as our country's foremost advocate of better health care and was sponsor or co-sponsor of more than a dozen bills or amendments relating to health care with the Hill-Burton Hospital Construction Act the most widely known; and

WHEREAS, Senator Lister Hill of Alabama was indeed one of our State's most prominent citizens; he was a distinguished statesman and an outstanding patriot whose accomplishment in Congress was his legacy to our nation, and we are truly proud that such a great American was first of all a great Alabamian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life and labors of Joseph Lister Hill of Alabama and extend our very deepest sympathy to his family, whose sorrow and grief we share and for whom a copy of this resolution shall be provided.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 73. Naming S. B. 33 of The Second Special Session, 1984, The "Bishop-Cooley-Johnson Act."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the act which Senate Bill 33 of The 1984 Second Special Session becomes, shall be and the same is hereby named the "Bishop-Cooley-Johnson Act."

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Senators Charles Bishop and Steve Cooley and to Representative Roy Johnson.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 73, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Environmental Management Commission.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

DONE this 8th day of January, 1985.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Environmental Management Commission to fill position 6 (b) (3) for a term of six (6) years per Senate Bill 47, 1982 Regular Session:

Mr. Bryce Scott Davis
Attorney-at-Law
Post Office Drawer R
Cullman, AL 35055

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

DONE this 8th day of January, 1985

GOVERNOR'S MESSAGE

Senator Cooley moved that the Rules be suspended, and that the foregoing Message from His Excellency, the Governor, relative to an appointment

to the Environmental Management Commission, be considered , which motion was adopted.

And on motion of Senator Cooley, the appointment of Mr. Davis was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Dial	Menton	
Aldridge	Cooley	Dixon	Smith (J)	
Bailey	Corbett	Foshee	Strong	
Barron	Covington	Langford	Teague	
Bedsole	deGraffenried	Little		—18

Nays:

—0

RESOLUTION

Senator Little offered the following Senate Resolution, to-wit:

S. R. 58. MOURNING THE DEATH OF JAMES C. PRITCHARD OF JACKSON GAP, TALLAPOOSA COUNTY, ALABAMA.

Which was adopted.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 73. NAMING S. B. 33 OF THE SECOND SPECIAL SESSION, 1984, THE "BISHOP-COOLEY-JOHNSON ACT."

On motion of Senator Foshee, the Resolution was then concurred in and adopted by the Senate.

ADJOURNMENT

At 6:50 P.M., on motion of Senator Teague, the Senate adjourned until Wednesday, January 9, 1985, at 10 o'clock A.M.

**ELEVENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 9, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Henry D. Alford, Deacon, Woodley Road Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jill Palmer, Floyd Jr. High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Drinkard	Menton
Aldridge	Cooley	Ellis	Mitchem
Bailey	Corbett	Foshee	Parsons
Barron	Covington	Goodwin	Sanders
Bedford	deGraffenried	Hand	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Dixon	Little	Teague
Bishop			

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JOURNAL

On motion of Senator Aldridge, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Aldridge, leave of absence was granted Senators Amari, Denton, Figures, Hilliard, Holmes, Horn, and Smith (B) for today.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 22. COMMENDING MR. TOM FORD OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 23. COMMENDING MR. VERNON G. SCHRIMSHER, PROMINENT HUNTSVILLE CONTRACTOR AND CIVIC LEADER.

Also:

S. R. 24. COMMENDING MR. WILLIAM K. BELL OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 25. COMMENDING MR. JAMES D. CHADBOURNE OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 26. COMMENDING DAVID L. THOMAS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 27. COMMENDING MRS. BURNIECE WILEY, RUSSELLVILLE, ALABAMA'S BPW "WOMAN OF THE YEAR."

Also:

S. R. 28. COMMENDING DANA MOORE OF VERNON, MISS TEEN OF ALABAMA FOR 1984.

Also:

S. R. 38. COMMENDING MR. THORNTON GARVIN OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. R. 39. COMMENDING HUNTSVILLE PHYSICIAN, DR. PETER C. BOOKER, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 40. COMMENDING DR. OSCAR N. MAXWELL OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 41. COMMENDING DR. JOHN RICHARD MONTGOMERY OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 42. COMMENDING MR. WADE A. HUBERT OF NEW MARKET, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Also:

S. R. 53. DESIGNATING GOODLOE RUTLAND "CHAIRMAN EMERTIUS" BIRMINGHAM-JEFFERSON CIVIC CENTER BOARD.

And on motion of Senator Aldridge, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 50. DESIGNATING A PORTION OF I-65 AS THE "HANK WILLIAMS MEMORIAL PARKWAY."

On motion of Senator Aldridge, the Resolution was then adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To The Alabama Legislature
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace.

DONE this 9th day of January, 1985.

Respectfully Submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE TO THE LEGISLATURE

To The Alabama Legislature
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

Please be advised that I do hereby call the Legislature of Alabama into extraordinary session on January 23, 1985 to consider matters which I deem to be of an urgent and emergency nature. I am advising you of this fact in advance in order that you might arrange your individual personal and business schedules taking this contemplated special session into consideration. You are hereby formally notified that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of Government, State Capitol, Montgomery, Alabama at 4:00 p.m. on Wednesday, January 23, 1985. I appreciate your cooperation in this regard.

Respectfully,

GEORGE C. WALLACE,
Governor.

Which was read and ordered spread upon the Journal.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 16. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

On motion of Senator Little, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House

Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 19. MOURNING THE DEATH OF MR. T. Y. ROGERS OF COATOPA, SUMTER COUNTY, ALABAMA.

Also:

H. J. R. 20. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

H. J. R. 21. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM, 1984.

On motion of Senator Aldridge, the Resolutions were then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Davis:

H. J. R. 74. WELCOMING THE 3RD ANNUAL MUSIC AND PREACHING WORKSHOP TO BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H.J.R. 74, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported, that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 22. MOURNING THE DEATH OF MARVIN GUY CARTER OF ATHENS, ALABAMA.

On motion of Senator Aldridge, the Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Reed:

H. J. R. 70. MOURNING THE DEATH OF PRENTICE H. POLK
OF TUSKEGEE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H.J.R. 70, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 24. HONORING DR. GEORGE H. SMITH FOR 40 YEARS
OF DEDICATED SERVICE AS PASTOR OF THE SHILOH MISSIONARY
BAPTIST CHURCH, TROY, ALABAMA, PIKE COUNTY.

On motion of Senator Aldridge, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 35. COMMENDING PAUL AND JONATHEN WOODALL.

On motion of Senator Little, the Resolution, H.J.R. 35, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 79. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, January 9, 1985, we adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Aldridge, the Rules were suspended and the Resolution, H.J.R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House

Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 36. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

Also:

H. J. R. 37. COMMENDING AND CONGRATULATING COACH BUSTER GROSS AND EMMA SANSOM HIGH SCHOOL OF GADSDEN, ALABAMA, OUR STATE 5A, 1984 FOOTBALL CHAMPIONS.

Also:

H. J. R. 38. NAMING COUNTY ROAD 11, IN DEKALB COUNTY, ALABAMA, WHICH INTERSECTS WITH CERTAIN PORTIONS OF COUNTY ROAD 46 AND COUNTY ROAD 58, THE "E.M. GALLOWAY COUNTY ROAD."

Also:

H. J. R. 50. MEMORIALIZING ALABAMA'S CONGRESSIONAL DELEGATION TO RESIST EFFORTS BY PRESIDENT REAGAN AND HIS ADMINISTRATION TO REDUCE AND/OR ELIMINATE FUNDING FOR VARIOUS SOCIAL PROGRAMS AND OTHER BENEFITS.

On motion of Senator Aldridge, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 30. EXPRESSING LEGISLATIVE INTENT REGARDING THE LAW EXEMPTING CERTAIN DRUGS FROM TAXATION.

On motion of Senator Bedsole, the Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended has passed the following Senate Bill and returns same herewith to the Senate.

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Senate concurred in and adopted the following House substitute for the Bill, S.B. 3, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 3

A BILL
TO BE ENTITLED
AN ACT

To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-16-52, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

"Section 41-16-52. (a) All expenditure of funds of whatever nature for repair parts and repair of heavy duty off-highway construction equipment and of all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, including machinery used for grading, drainage, road construction and compaction for the exclusive use of county and municipal, highway, street and sanitation departments, involving not more than \$6,000 made by or on behalf of any county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall be made, at the option of said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article. The foregoing exemption from the provisions of this article shall apply to each incident of repair as to any such repair parts, equipment, vehicles or machinery. The amount of such exempted expenditure shall not be construed to be an aggregate of all such expenditures per fiscal year as to any individual vehicle or piece of equipment or machinery.

"(b) The option provided by subsection (a) of this section may be exercised by said governing boards, bodies, instrumentalities and commissions by specific reference to this section on any and all purchase orders and purchase commitments executed by said governing boards, bodies, instrumentalities and commissions; provided, however, said option shall not be exercised by an employee, agent or servant unless done so after having received official prior approval of the respective governing board, body, instrumentality or commission or unless exercised pursuant to a formal policy adopted by such governing board, body, instrumentality or commission setting out conditions and restrictions under which such option shall be exercised.

"(c) All expenditures of funds of whatever nature for the leasing of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, including machinery for grading, drainage, road construction and compaction for the exclusive use of county and municipalities, highway, street and sanitation departments, involving a monthly rental of not more than \$3,000 per month per vehicle

or piece of equipment or machinery but not to exceed \$8,000 per month for all such vehicles and pieces of equipment made by or on behalf of any county commissions and the governing boards of municipalities of the state and the governing bodies of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions shall be made, at the option of the said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 24; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Langford	Smith (J)
Bedford	Dial	Little	Strong
Bedsole	Ellis	Menton	Teague
Bennett			

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Nays:

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MESSAGE FROM THE HOUSE

Mr President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Also:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 73. Naming S. B. 33 of The Second Special Session, 1984,
The "Bishop-Cooley-Johnson Act."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace returning to you, the House from which it originated, House Bill #18 as substituted and amended, without the Governor's signature and approval but with the following suggested Executive Amendment.

DONE this 9th day of January, 1985.

Respectfully submitted,
ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill #18, as substituted and amended, without my signature and approval but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO H.B. 18

On page 2 of 2, line 7 add the following to Section 1:

"Each contract shall be approved by both the State Finance Director and the Governor. The distribution of the state's share of the recovery or salvage shall be as follows:

a. All archaeological treasure and artifacts shall be placed in the custody and control of the Alabama Historical Commission.

b. All monetary proceeds from the sale of any recovered or salvaged archaeological treasure or artifacts including but not limited to gold, silver or other precious metal shall be deposited with the State Treasurer to the credit of the State General Fund."

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done this 9th day of January, 1985.

Respectfully,
GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 93, Nays 0.

And said Bill, H. 18, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Goodwin, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 18, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Menton
Aldridge	Cabaniss	Foshee	Mitchem
Bailey	Corbett	Goodwin	Parsons
Barron	Covington	Hand	Smith (J)
Bedford	deGraffenried	Langford	Strong
Bedsole	Dial	Little	Teague
Bennett	Drinkard		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 18, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Menton
Aldridge	Cabaniss	Foshee	Mitchem
Bailey	Corbett	Goodwin	Parsons
Barron	Covington	Hand	Smith (J)
Bedford	deGraffenried	Langford	Strong
Bedsole	Dial	Little	Teague
Bennett	Drinkard		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 34. URGING UNITED STATES NAVY TO LOCATE BATTLESHIP SURFACE ACTION GROUP IN MOBILE.

On motion of Senator Hand, the Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Clark (D), Starkey, Coburn, Goodwin, Butler, Grayson and Hettinger:

H. J. R. 55. URGING PRESIDENT REAGAN TO SUPPORT FULL FEDERAL FUNDING TO THE TENNESSEE VALLEY AUTHORITY'S NATIONAL FERTILIZER DEVELOPMENT CENTER.

Also:

By Rep. Spratt:

H. J. R. 57. COMMENDING SIMON T. MADDEN.

JOHN W. PEMBERTON,
Clerk,

HOUSE MESSAGE

On motion of Senator Bedford, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 57, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative,

and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 57. MOURNING THE DEATH OF FORMER UNITED STATES SENATOR JOSEPH LISTER HILL OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 56. COMMENDING TONY FONTAINE OF MONTGOMERY ON HIS DISTINGUISHED CAREER WITH SOUTH CENTRAL BELL.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rice:

H. J. R. 63. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT, JR., OPELIKA, ALABAMA.

Also:

By Reps. Davis, Spratt, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillian, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson,

Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

H. J. R. 67. MOURNING THE DEATH OF JOHN WESLEY ROGERS, SR., OF FAIRFIELD, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, H.J.R. 63, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Langford, the Rules were suspended and the Resolution, H.J.R. 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING

THE BILL:

S. 8. To exempt all persons employed in public schools from liability for certain communications to the student's parents, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any student.

was taken up.

Senator Corbett offered the following amendment to the Bill, S.B. 8, to-wit:

AMENDMENT TO S. B. 8

On page 1, in the synopsis, on line 9 after the words "employed in" insert:

private or

On page 1, in the title, on line 20 after the words "employed in" insert:

private or

On page 1, in Section 1, on line 26, after the words "capacity in the" insert:

private or

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:
Aldridge
Bailey
Bedford
Bedsole

Bennett
Cabaniss
Corbett
Covington
Dial

Ellis
Goodwin
Langford
Little
Menton

Sanders
Smith (J)
Strong
Teague

—18

Nays:

—0

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And said Bill, S.B. 8, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0

Yeas:

Senators:	Bennett	Ellis	Menton	
Aldridge	Cabaniss	Goodwin	Sanders	
Bailey	Corbett	Hand	Smith (J)	
Bedford	deGraffenried	Langford	Strong	
Bedsole	Dial	Little	Teague	—19

Nays: —0

Senator Menton requested and received permission to suspend the Rules in order to bring up the Bill:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900.00 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

And said Bill, H.B. 23, was read a third time at length and passed.

Yeas 20; Nays 0

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hand	Smith (J)	
Bedford	deGraffenried	Langford	Strong	
Bedsole	Dial	Little	Teague	
Bennett				—20

Nays: —0

Senator Menton then requested and receive permission to suspend the Rules in order to bring up the Bill:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

And said Bill, H.B. 24, was read a third time at length and passed.

Yeas 17; Nays 1.

Yeas:

Senators:	Bishop	Dial	Little	
Aldridge	Cabaniss	Ellis	Menton	
Bailey	Corbett	Goodwin	Smith (J)	
Bedsole	Covington	Langford	Teague	
Bennett	deGraffenried			—17

Nay: Senator Hand —1

Senator Langford requested and received permission to suspend the Rules in order to bring up the Bill:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

And said Bill, H.B. 21, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hand	Smith (J)	
Bedsole	deGraffenried	Langford	Strong	
Bennett	Dial	Little	Teague	—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Aldridge, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 22, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S.B. 22

Amend Senate Bill 22, Section 1, page 4, beginning on line 5, by striking all of subsection (q).

HOUSE AMENDMENT TO S.B. 22

Amend Senate Bill 22, page 4, immediately following line 10 by adding a new Section 2 and by renumbering remaining sections accordingly. New Section 2 to read as follows:

Section 2. Section 6-2-3 of the Code of Alabama is hereby amended to read as follows:

“§ 6-2-3.

“In actions seeking relief on the ground of fraud where the statute has created a bar, the claim must not be considered as having accrued until the discovery by the aggrieved party of the fact constituting the fraud, after which he must have ~~one~~ two years within which to prosecute his action.”

HOUSE AMENDMENT TO S.B. 22

Amend S. 22, page 3, by underlining line 8 in its entirety.

Yeas 14; Nays 10.

Yeas:

Senators:	Cabaniss	Goodwin	Sanders	
Aldridge	Covington	Little	Strong	
Bedsole	deGraffenried	Menton	Teague	
Bennett	Ellis	Parsons		—14

Nays:

Senators:	Bedford	Drinkard	Mitchem	
Bailey	Corbett	Hand	Smith (J)	
Barron	Dial	Langford		—10

RESOLUTION

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 59. MOURNING THE DEATH OF JAMES R. ROBERTSON OF SCOTTSBORO, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 16. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

Also:

S. J. R. 50. DESIGNATING A PORTION OF I-65 AS THE “HANK WILLIAMS MEMORIAL PARKWAY.”

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

Also:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or

becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Also:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Also:

S. J. R. 56. COMMENDING TONY FONTAINE OF MONTGOMERY ON HIS DISTINGUISHED CAREER WITH SOUTH CENTRAL BELL.

Also:

S. J. R. 57. MOURNING THE DEATH OF FORMER UNITED STATES SENATOR JOSEPH LISTER HILL OF MONTGOMERY, ALABAMA.

Also:

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that

actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

Also:

S. J. R. 50. DESIGNATING A PORTION OF I-65 AS THE "HANK WILLIAMS MEMORIAL PARKWAY."

Also:

S. J. R. 16. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 23. To provide for graduated Penalties for commercial shrimp trawling in closed water of \$600.00 to \$900.00 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

Also:

H. J. R. 19. MOURNING THE DEATH OF MR. T. Y. ROGERS OF COATOPA, SUMTER COUNTY, ALABAMA.

Also:

H. J. R. 20. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILE LIONS.

Also:

H. J. R. 21. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM, 1984.

Also:

H. J. R. 22. MOURNING THE DEATH OF MARVIN GUY CARTER OF ATHENS, ALABAMA.

Also:

H. J. R. 24. HONORING DR. GEORGE H. SMITH FOR 40 YEARS OF DEDICATED SERVICE AS PASTOR OF THE SHILOH MISSIONARY BAPTIST CHURCH, TROY, ALABAMA, PIKE COUNTY.

Also:

H. J. R. 30. EXPRESSING LEGISLATIVE INTENT REGARDING THE LAW EXEMPTING CERTAIN DRUGS FROM TAXATION.

Also:

H. J. R. 35. Commending Paul and Jonathen Woodall.

Also:

H. J. R. 36. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

Also:

H. J. R. 37. COMMENDING AND CONGRATULATING COACH BUSTER GROSS AND EMMA SANSOM HIGH SCHOOL OF GADSDEN, ALABAMA, OUR STATE 5A, 1984 FOOTBALL CHAMPIONS.

Also:

H. J. R. 38. NAMING COUNTY ROAD 11, IN DEKALB COUNTY, ALABAMA, WHICH INTERSECTS WITH CERTAIN PORTIONS OF COUNTY ROAD 46 AND COUNTY ROAD 58, THE "E. M. GALLOWAY COUNTY ROAD."

Also:

H. J. R. 50. MEMORIALIZING ALABAMA'S CONGRESSIONAL DELEGATION TO RESIST EFFORTS BY PRESIDENT REAGAN AND HIS ADMINISTRATION TO REDUCE AND/OR ELIMINATE FUNDING FOR VARIOUS SOCIAL PROGRAMS AND OTHER BENEFITS.

Also:

H. J. R. 70. MOURNING THE DEATH OF PRENTICE H. POLK OF TUSKEGEE, ALABAMA.

Also:

H. J. R. 74. WELCOMING THE 3RD ANNUAL MUSIC AND PREACHING WORKSHOP TO BIRMINGHAM ALABAMA.

Also:

H. J. R. 79. RELATIVE TO ADJOURNMENT, SINE DIE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing

Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Also:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Also:

H. J. R. 34. URGING UNITED STATES NAVY TO LOCATE BATTLESHIP SURFACE ACTION GROUP IN MOBILE.

Also:

H. J. R. 55. URGING PRESIDENT REAGAN TO SUPPORT FULL FEDERAL FUNDING TO THE TENNESSEE VALLEY AUTHORITY'S NATIONAL FERTILIZER DEVELOPMENT CENTER.

Also:

H. J. R. 57. COMMENDING SIMON T. MADDEN.

Also:

H. J. R. 63. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT, JR., OPELIKA, ALABAMA.

Also:

H. J. R. 67. MOURNING THE DEATH OF JOHN WESLEY ROGERS, SR., OF FAIRFIELD, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 34

S. B. 33

S. B. 3

S. J. R. 56

S. J. R. 57

S. B. 22

S. J. R. 50

S. J. R. 16

Delivered to the Governor, January 9, 1985, at 2:45 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNALS

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate

for the Tenth and Eleventh Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journals of the Senate for the Tenth and Eleventh Legislative Days were approved by the Senate.

ADJOURNMENT

At 1:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

McDOWELL LEE,
Secretary of Senate.

ROSTER OF THE SENATE OF ALABAMA**1984-85**

Bill Baxley, <i>Lieutenant Governor</i>	State Capitol, Montgomery
John A. Teague, <i>President Pro-Tem</i>	Childersburg
McDowell Lee, <i>Secretary</i>	Montgomery
John D. Crawford, <i>Assistant Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
District No. 1—Lauderdale, Colbert	
Bobby Denton	Bank Independent, P. O. Drawer B, Sheffield 35660
District No. 2—Madison, Limestone, Lauderdale	
Jim Smith	108-A South Side Square, Huntsville 35801
District No. 3—Lawrence, Morgan	
Gary L. Aldridge	Rt. 4 Box 383-A, Hartselle 35640
District No. 4—Cullman, Morgan, Madison	
Steve Cooley	P. O. Box 1186, Cullman 35055
District No. 5—Pickens, Tuscaloosa, Walker	
Charles Bishop	P. O. Box 2328, Jasper 35501
District No. 6—Franklin, Marion, Winston, Lamar, Fayette	
Roger H. Bedford	P. O. Box 669, Russellville 35653
District No. 7—Madison	
Bill G. Smith	2009 Gallatin St., S.W., Huntsville 35801
District No. 8—Madison, Jackson, DeKalb	
Lowell R. Barron	P. O. Box 65, Fyffe 35971
District No. 9—Marshall, Blount, DeKalb	
Hinton Mitchem	P. O. Box 297, Albertville 35950
District No. 10—Etowah	
Bill Drinkard	P. O. Box 372, Gadsden 35902
District No. 11—Elmore, Talladega, Coosa	
John A. Teague	P. O. Box 427, Childersburg 35044
District No. 12—Calhoun	
Donald G. Holmes	1916 Robinhood Drive, Oxford 36203
District No. 13—Chambers, Clay, Randolph, Cleburne, Cherokee, DeKalb	
Gerald Dial	P. O. Box 248, Lineville 36266
District No. 14—St. Clair, Shelby, Bibb	
Frank (Butch) Ellis, Jr.	P. O. Box 587, Columbiana 35051

- District No. 15—Jefferson
John E. Amari 9636 Parkway East, Birmingham 35215
- District No. 16—Jefferson
William J. Cabaniss, Jr. P. O. Box 19925,
Birmingham 35219
- District No. 17—Jefferson
Mac Parsons The Bradford Bldg., 2027 20th Ave. N.,
Birmingham 35203
- District No. 18—Jefferson
Fred Horn 333 16th Ave., S.W., Birmingham 35211
- District No. 19—Jefferson
Jim Bennett Tannehill State Park,
Rt 1, Box 124, McCalla 35111
- District No. 20—Jefferson
Earl F. Hilliard P. O. Box 11385, Birmingham 35202
- District No. 21—Hale, Tuscaloosa
Ryan deGraffenried, Jr. P. O. Box 2263,
Tuscaloosa 35403
- District No. 22—Marengo, Clarke, Choctaw,
Washington, Monroe, Conecuh
Frances (Sister) Strong 400 South Main,
Demopolis 36732
- District No. 23—Choctaw, Sumter, Greene, Perry,
Dallas, Wilcox, Lowndes
Henry (Hank) Sanders P. O. Box 1305, Selma 36702
- District No. 24—Dallas, Autauga, Chilton, Bibb
Earl Goodwin P. O. Box 886, Selma 36702
- District No. 25—Montgomery
Larry Dixon P. O. Box 946, Montgomery 36102
- District No. 26—Montgomery, Elmore
Charles D. Langford 918 East Grove Street,
Montgomery 36104
- District No. 27—Tallapoosa, Lee
T.D. (Ted) Little P.O. Box 2366, Auburn 36830
- District No. 28—Macon, Bullock, Barbour, Russell
J. Danny Corbett Route 7, Box 821, Phenix City 36867
- District No. 29—Henry, Houston, Geneva
Chip Bailey P. O. Box 6791, Dothan 36302
- District No. 30—Butler, Crenshaw, Pike, Dale
J. Foy Covington, Jr. Rt. 2, Newville 36353
- District No. 31—Coffee, Covington, Escambia
E. C. (Crum) Foshee 419 Church St., Andalusia 36420
- District No. 32—Baldwin, Mobile
Perry A. Hand P. O. Box 478, Gulf Shores 36542

- District No. 33—Mobile
Michael A. Figures 2317 St. Stephens Rd.,
Mobile 36617
- District No. 34—Mobile
Ann Bedsole P. O. Box 16642, Mobile 36616
- District No. 35—Mobile
William J. (Bill) Menton Rt. 2, Box 171,
Irvington 36544

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1984-85**

**FINANCE AND TAXATION
EDUCATION SUB-COMMITTEE**

Mitchem, Chairperson; Little, Deputy Chairperson; deGraffenried, Vice Chairperson; Aldridge, Bailey, Cooley, Ellis, Foshee, Hilliard, Holmes, Langford, Smith (J), Strong.

**FINANCE AND TAXATION
GENERAL FUND SUB-COMMITTEE**

Mitchem, Chairperson; Little, Deputy Chairperson; Goodwin, Vice Chairperson; Amari, Barron, Bedford, Bennett, Corbett, Denton, Figures, Hand, Horn, Smith (B).

RULES

Bishop, Chairperson; Parsons, Vice Chairperson; Aldridge, Cooley, Denton, Figures, Foshee.

JUDICIARY

Hilliard, Chairperson; Ellis, Vice Chairperson; Aldridge, Amari, Bedford, Bennett, Cooley, deGraffenried, Langford, Little, Menton, Parsons, Sanders, Smith (J), Strong.

GOVERNMENTAL AFFAIRS

Langford, Chairperson; Bennett, Vice Chairperson; Bailey, Barron, Cabaniss, Cooley, Corbett, Dixon, Drinkard, Ellis, Figures, Goodwin, Horn, Parsons, Sanders.

CONSTITUTIONAL REVISION

deGraffenried, Chairperson; Sanders, Vice Chairperson; Aldridge, Ellis, Figures, Smith (B), Smith (J).

AGRICULTURE, CONSERVATION AND FORESTRY

Bailey, Chairperson; Menton, Vice Chairperson; Aldridge, Bedford, Covington, Denton, Dial, Ellis, Figures, Goodwin, Hand, Little, Mitchem, Sanders, Smith (J).

BUSINESS AND LABOR RELATIONS

Corbett, Chairperson; Drinkard, Vice Chairperson; Bennett, Bedford, Cooley, Figures, Foshee, Parsons, Sanders.

EDUCATION

Parsons, Chairperson; Strong, Vice Chairperson; Bedsole, Bailey, Cooley, Corbett, Foshee, Hand, Hilliard.

HEALTH AND WELFARE

Aldridge, Chairperson; Barron, Vice Chairperson; Bailey, Bedsole, Covington, Dixon, Drinkard, Holmes, Smith (J).

BANKING AND INSURANCE

Smith (J), Chairperson; Bennett, Vice Chairperson, Amari, Barron, Cabaniss, deGraffenried, Denton, Drinkard, Foshee, Hilliard, Little, Mitchem, Sanders, Smith (B), Strong.

COMMERCE, TRANSPORTATION AND UTILITIES

Denton, Chairperson; Bedford, Vice Chairperson; Amari, Bishop, Covington, Foshee, Hilliard, Holmes, Smith (B).

CONSUMER AFFAIRS

Figures, Chairperson; Smith (J), Vice Chairperson; Bennett, Corbett, Parsons, Sanders, Strong.

BUILDINGS AND GROUNDS

Foshee, Chairperson; Covington, Vice Chairperson; Bishop.

INDUSTRIAL EXPANSION, ECONOMIC GROWTH AND JOBS

Smith (B), Chairperson; Covington, Vice Chairperson; Amari, Bailey, Cabaniss, Cooley, Dixon, Figures, Smith (J).

COMMITTEE ON AGING

Amari, Chairperson; Menton, Vice Chairperson; Bailey, Barron, Bennett, Corbett, Drinkard, Goodwin, Holmes.

STUDENT AND YOUTH ACTIVITIES

Bedford, Chairperson; Strong, Vice Chairperson; Bedsoloe, Dial, Dixon, Little, Menton.

SMALL BUSINESS

Holmes, Chairperson; Amari, Vice Chairperson; Bedford, Cabaniss, Dixon, Hand, Goodwin.

MILITARY AFFAIRS

Dial, Chairperson; Holmes, Vice Chairperson; Barron, Bedsole, Covington, Hand, Menton.

LOCAL LEGISLATION NO. 1

Foshee, Chairperson; Bedford, Vice Chairperson; Aldridge, Bishop, Covington, Dial, Hand.

LOCAL LEGISLATION NO. 2

Parsons, Chairperson; Bennett, Vice Chairperson; Amari, Cabaniss, Hilliard, Horn.

LOCAL LEGISLATION NO. 3

Figures, Chairperson; Menton, Vice Chairperson; Bedsole, Hand.

COMMITTEE ASSIGNMENTS FOR 1984-85
ALABAMA STATE SENATE

3rd District

GARY ALDRIDGE—Chairperson, Health and Welfare; Finance and Taxation Education Sub-Committee; Rules; Judiciary; Constitutional Revision; Agriculture, Conservation and Forestry; Local Legislation No. 1

15th District

JOHN AMARI—Chairperson, Committee on Aging; Vice Chairperson, Small Business; Finance and Taxation General Fund Sub-Committee; Judiciary; Banking and Insurance; Commerce, Transportation and Utilities; Industrial Expansion, Economic Growth and Jobs; Local Legislation No. 2.

29th District

CHIP BAILEY—Chairperson, Agriculture, Conservation and Forestry; Finance and Taxation Education Sub-Committee; Governmental Affairs; Education; Health and Welfare; Industrial Expansion, Economic Growth and Jobs; Committee on Aging.

8th District

LOWELL BARRON—Vice Chairperson, Health and Welfare; Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Banking and Insurance; Committee on Aging; Military Affairs.

6th District

ROGER BEDFORD—Chairperson, Student and Youth Activities; Vice Chairperson, Commerce, Transportation and Utilities; Vice-Chairperson, Local Legislation No. 1; Finance and Taxation General Fund Sub-Committee; Judiciary; Agriculture, Conservation and Forestry; Business and Labor Relations; Small Business.

34th District

ANN BEDSOLE—Education; Student and Youth Activities; Military Affairs; Local Legislation No. 3; Health and Welfare.

19th District

JIM BENNETT—Vice Chairperson, Governmental Affairs; Vice Chairperson, Banking and Insurance; Finance and Taxation General Fund Sub-Committee; Judiciary; Business and Labor Relations; Consumer Affairs; Committee on Aging; Local Legislation No. 2.

5th District

CHARLES BISHOP—Chairperson, Rules; Commerce, Transportation and Utilities; Building and Grounds; Local Legislation No. 1.

16th District

WILLIAM J. CABANISS, JR.—Banking and Insurance; Governmental Affairs; Industrial Expansion, Economic Growth and Jobs; Small Business; Local Legislation No. 2.

4th District

STEVE COOLEY—Finance and Taxation Education Sub-Committee; Rules; Judiciary; Governmental Affairs; Business and Labor Relations; Education; Industrial Expansion, Economic Growth and Jobs.

28th District

DANNY CORBETT—Chairperson, Business and Labor Relations; Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Education; Consumer Affairs; Committee on Aging.

30th District

J. FOY COVINGTON, JR.—Vice Chairperson, Buildings and Grounds; Vice Chairperson, Industrial Expansion, Economic Growth and Jobs; Commerce, Transportation, and Utilities; Agriculture, Conservation and Forestry; Health and Welfare; Military Affairs; Local Legislation No. 1.

21st District

RYAN deGRAFFENRIED, JR.—Chairperson, Constitutional Revision; Vice Chairperson, Finance and Taxation Education Sub-Committee; Judiciary; Banking and Insurance.

1st District

BOBBY DENTON—Chairperson, Commerce, Transportation and Utilities; Finance and Taxation General Fund Sub-Committee; Rules; Agriculture, Conservation and Forestry; Banking and Insurance.

13th District

GERALD DIAL—Chairperson, Military Affairs; Agriculture, Conservation and Forestry; Student and Youth Activities; Local Legislation No. 1.

25th District

LARRY DIXON—Health and Welfare; Student and Youth Activities; Small Business; Governmental Affairs; Industrial Expansion, Economic Growth and Jobs.

10th District

BILL DRINKARD—Vice Chairperson, Business and Labor Relations; Governmental Affairs; Health and Welfare; Banking and Insurance; Committee on Aging.

14th District

FRANK (BUTCH) ELLIS, JR.—Vice Chairperson, Judiciary; Finance and Taxation Education Sub-Committee; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry.

33rd District

MICHAEL A. FIGURES—Chairperson, Consumer Affairs; Chairperson, Local Legislation No. 3; Finance and Taxation General Fund Sub-Committee; Rules; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry; Business and Labor Relations; Industrial Expansion, Economic Growth and Jobs.

31st District

E. C. (CRUM) FOSHEE—Chairperson, Buildings and Grounds; Chairperson, Local Legislation No. 1; Finance and Taxation Education Sub-Committee; Rules; Business and Labor Relations; Education; Banking and Insurance; Commerce, Transportation and Utilities.

24th District

EARL GOODWIN—Vice Chairperson, Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Agriculture, Conservation and Forestry; Committee on Aging; Small Business.

32nd District

PERRY HAND—Finance and Taxation General Fund Sub-Committee; Agriculture, Conservation and Forestry; Education; Small Business; Military Affairs; Local Legislation No. 1; Local Legislation No. 3.

20th District

EARL HILLIARD—Chairperson, Judiciary; Finance and Taxation Education Sub-Committee; Education; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

12th District

DONALD HOLMES—Chairperson, Small Business; Vice Chairperson, Military Affairs; Finance and Taxation Education Sub-Committee; Health and Welfare; Commerce, Transportation and Utilities; Committee on Aging.

26th District

CHARLES D. LANGFORD—Chairperson, Governmental Affairs; Finance and Taxation Sub-Committee; Judiciary.

27th District

T. D. (TED) LITTLE—Deputy Chairperson, Finance and Taxation; Agriculture, Conservation and Forestry; Judiciary; Banking and Insurance; Student and Youth Activities.

35th District

BILL MENTON—Vice Chairperson, Agriculture, Conservation and Forestry; Vice-Chairperson, Committee on Aging; Vice-Chairperson, Local Legislation No. 3; Judiciary; Student and Youth Activities; Military Affairs.

9th District

HINTON MITCHEM—Chairperson, Finance and Taxation; Agriculture, Conservation and Forestry; Banking and Insurance.

17th District

MAC PARSONS—Chairperson, Education; Vice Chairperson, Rules; Vice-Chairperson, Local Legislation No. 2; Judiciary; Governmental Affairs; Business and Labor Relations; Consumer Affairs.

18th District

FRED HORN—Chairperson, Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Local Legislation No. 2.

23rd District

HANK SANDERS—Vice Chairperson, Constitutional Revision; Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Consumer Affairs.

7th District

BILL G. SMITH—Chairperson, Industrial Expansion, Economic Growth and Jobs; Finance and Taxation General Fund Sub-Committee; Constitutional Revision; Banking and Insurance; Commerce, Transportation and Utilities.

2nd District

JIM SMITH—Chairperson, Banking and Insurance; Vice Chairperson, Consumer Affairs; Finance and Taxation Education Sub-Committee;

Judiciary; Constitutional Revision; Agriculture, Conservation and Forestry; Health and Welfare; Industrial Expansion, Economic Growth and Jobs.

22nd District

FRANCES (SISTER) STRONG—Vice Chairperson, Education; Vice Chairperson, Student and Youth Activities; Finance and Taxation Education Sub-Committee; Judiciary; Banking and Insurance; Consumer Affairs.

11th District

JOHN TEAGUE—President Pro Tempore.

**HOUSE OF REPRESENTATIVES
ALPHABETICAL ROSTER AND
DISTRICT NUMBER**

Charles Adams, 83	Perry O. Hooper, Jr., 73
Robert E. Albright, 21	Ron G. Johnson, 33
Spencer Bachus, 46	Roy Johnson, 63
John P. Beasley, 85	Bobby M. Junkins, 30
Greg Beers, 48	Yvonne Kennedy, 103
Jack Biddle, III, 43	Ken Kvalheim, 101
Lucius Black, Sr., 67	Richard Laird, 37
A. J. Blake, 42	Jack B. Lauderdale, 17
Harrell Blakeney, 66	Richard J. Lindsey, 39
Hugh Boles, 50	Bobbie G. McDowell, 56
W. C. "Bill" Bowling, 12	Bob McKee, 74
Mike Box, 96	Stephen A. McMillan, 95
Carl C. Brakefield, 14	Chris McNair, 57
Charlie Britnell, 18	Beth Marietta, 104
Morris J. "Mo" Brooks, Jr., 10	Charles B. Martin, 8
Glen Browder, 34	Nathan Mathis, 87
Jenkins Bryant, Jr., 68	Bryant Melton, Jr., 61
June Bugg, 29	Mike Mikell, 76
Ralph Burke, 24	Earl Mitchell, 15
James E. Buskey, 99	Sonny Moore, 41
John L. Buskey, 77	Max Newman, 16
Tom Butler, 6	Tom Nicholson, 13
James M. Campbell, 36	Michael Onderdonk, 65
Joe Carothers, Jr., 86	Paul Parker, 9
Tommy Carter, 5	Arthur Payne, 44
Denzel L. Clark, 4	Walter E. Penry, Jr., 94
James S. Clark, 84	George Perdue, 54
William Clark, 98	Phil Poole, 62
Tom Coburn, 2	Jack Pratt, 49
Loyd Coleman, 25	Jim Preuitt, 32
W. F. "Noopie" Cosby, Jr., 70	T. Euclid Rains, Sr., 26
Bobby C. Crow, 35	Thomas Reed, 82
Pat Davis, 58	John Rice, 80
Tom Drake, 11	Ben T. Richardson, 23
Roger D. Dutton, 7	John W. Rogers, 52
Sundra E. Escott, 60	James G. Sasser, 88
Dwight Faulk, 90	George G. Seibels, Jr., 47
Steve Flowers, 89	Curtis Smith, 72
Joe Ford, 28	Lewis G. Spratt, 59
Bill Fuller, 38	Nelson R. Starkey, Jr., 1
Victor Gaston, 100	John Starr, Jr., 75
J.W. "Joe" Goodwin, 3	John F. Tanner, 40
Billy Gray, 45	James Louis Thomas, 69
George Grayson, 19	Hoyt W. Trammell, 51
E. A. Grouby, Jr., 71	J. E. Turner, 102
Albert Hall, 22	Pete Turnham, 79
Seth Hammett, 92	Jack B. Venable, 31
Taylor Harper, 105	J. E. "Jimmy" Warren, 64
Bob Harvey, 27	Frank P. White, 93
Steve Hettinger, 20	Gary White, 55
Jimmy W. Holley, 91	Lester White, 81
Alvin Holmes, 78	Mary S. Zoghby, 97

**ROSTER OF THE
HOUSE OF REPRESENTATIVES
1984-85**

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON
Speaker Pro-Tem, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

LOIS F. ALLEN, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Names	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 North Pine Street, Florence 35630
2	COLBERT	Tom Coburn	1107 East 3rd Street, Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark	Route 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter	Route 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Drive, Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton	R.R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker	303 North Douglas Street, Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055
12	CULLMAN	Bill Bowling	Route 2, Box 349, Hanceville 35077

- 13 WALKER
Tom Nicholson P. O. Box 248, Jasper 35501
- 14 TUSCALOOSA, WALKER
Carl C. Brakefield P. O. Box G, Carbon Hill 35549
- 15 PICKENS, TUSCALOOSA
Earl Mitchell P. O. Box 426, Northport 35476
- 16 FAYETTE, LAMAR, MARION
Max Newman P. O. Box 428, Millport 35576
- 17 MARION, WINSTON
Jack B. Lauderdale Route 1, Box 238, Hamilton 35570
- 18 FRANKLIN, MARION
Charlie Britnell Route 2, Box 376, Russellville 35653
- 19 MADISON
George Grayson P. O. Box 38, Normal 35762
- 20 MADISON
Steve Hettinger 100 Calhoun Street, Huntsville 35801
- 21 MADISON
Robert E. Albright 2024 Stanhope Dr.,
Huntsville 35811
- 22 JACKSON, MADISON
Albert Hall P. O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P. O. Box 1017, Scottsboro 35768
- 24 DeKALB
Ralph Burke P. O. Box 876, Fort Payne 35967
- 25 MARSHALL
Loyd Coleman P. O. Box 67, Arab 35016
- 26 DeKALB, MARSHALL
T. Euclid Rains, Sr. Route 1, Box 326,
Albertville 35950
- 27 BLOUNT
Bob Harvey Route 4, Box 708, Oneonta 35121
- 28 ETOWAH
Joe Ford Gadsden State Jr. College,
George Wallace Dr., Gadsden 35901
- 29 ETOWAH
June Bugg 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Bobby M. Junkins 254 College St., Gadsden 35901
- 31 COOSA, ELMORE
Jack B. Venable P. O. Box 736, Tallassee 36078
- 32 TALLADEGA
Jim Preuitt P. O. Box 1063, Talladega 35160

- 33 TALLADEGA
Ron G. Johnson Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Glen Browder Route 2, Box 316, Jacksonville 36265
- 35 CALHOUN
Bobby C. Crow Route 10, Box 842, Anniston 36201
- 36 CALHOUN
James M. Campbell P. O. Box 2003, Anniston 36302
- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 46 Randolph Plaza, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 South LaFayette St., LaFayette 36062
- 39 CHEROKEE, CLEBURNE, DeKALB
Richard J. Lindsey Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
John F. Tanner P. O. Box 37, Pelham 35214
- 41 SHELBY
Sonny Moore P. O. Box 44, Sterrett 35147
- 42 ST. CLAIR
A. J. Blake Route 1, Box 206A, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Drive,
Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd Street, N.W.,
Birmingham 35215
- 45 JEFFERSON
Billy Gray 704 Lance Blvd., Birmingham 35206
- 46 JEFFERSON
Spencer Bachus 930 1st Alabama Bank Bldg.,
Birmingham 35203
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Ave., S.,
Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Verdure Circle, Birmingham 35266
- 49 JEFFERSON
Jack Pratt 5424 Wesley Dr., Midfield 35228
- 50 JEFFERSON
Hugh Boles 1036 Normandale Circle, Hueytown 35020
- 51 JEFFERSON
Hoyt W. Trammell Route 15, Box 247,
Birmingham 35224

- 52 JEFFERSON
John W. Rogers 1424 18th St., S.W.,
Birmingham 35211
- 53 JEFFERSON
- 54 JEFFERSON
George Perdue P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 2826 S. 18th St., Homewood 35209
- 56 JEFFERSON
Bobbie Will Greene McDowell 2322 Dartmouth,
Bessemer 35020
- 57 JEFFERSON
Chris McNair Route 4, Box 388, Bessemer 35020
- 58 JEFFERSON
Pat Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St., W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P. O. Box 8172, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton, Jr. 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA
Phil Poole P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy Johnson Route 4, Box 140, Tuscaloosa 35405
- 64 CONECUH, MONROE
J. E. (Jimmy) Warren P. O. Box 207,
Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael Onderdonk P. O. Drawer 130, Chatom 36518
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5 So.,
Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Route 1, Box 126, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James Louis Thomas Rt. 2, Box 509,
Hayneville 36040
- 70 DALLAS
W. F. "Noopie" Cosby, Jr. Dallas County Court House,
Selma 36701

- 71 AUTAUGA, CHILTON
Ed Grouby P. O. Box 188, Prattville 36067
- 72 BIBB, CHILTON
Curtis Smith P. O. Drawer 69, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr. 509 S. Court St.,
Montgomery 36104
- 74 MONTGOMERY
Bob McKee P. O. Box 424, Montgomery 36101
- 75 MONTGOMERY
John Starr, Jr. 2761 Forsyth Lane, Montgomery 36116
- 76 ELMORE, MONTGOMERY
Mike Mikell P. O. Box 993, Millbrook 36054
- 77 MONTGOMERY
John L. Buskey P. O. Box 6216, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham Box 1592, Auburn 36830
- 80 LEE
John Rice P. O. Box 2432, Opelika 36801
- 81 TALLAPOOSA
Lester White 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON
Thomas Reed P. O. Drawer EE,
Tuskegee Institute 36088
- 83 RUSSELL
Charles Adams P. O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. (Jimmy) Clark P. O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON
John P. Beasley P. O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe Carothers, Jr. Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis Route 1, Newton 36352
- 88 DALE
James G. Sasser P. O. Box 1279, Ozark 36361
- 89 PIKE, DALE
Steve Flowers P. O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Dwight Faulk Route 2, Box 90, Honoraville 36042

- 91 COFFEE
Jimmy W. Holley Route 3, Box 191E, Elba 36323
- 92 COVINGTON
Seth Hammett P. O. Drawer 1607, Andalusia 36420
- 93 ESCAMBIA
Frank P. "Skippy" White Rt. 1, Box 193—Pollard,
Flomaton 36441
- 94 BALDWIN
Walter E. Penry, Jr. Route 2, Box 286, Daphne 36526
- 95 BALDWIN
Steve McMillan Box 337, Bay Minette 36507
- 96 MOBILE
Mike Box P. O. Box 216, Saraland 36571
- 97 MOBILE
Mary S. Zoghby 2862 Hilburn Drive, Mobile 36606
- 98 MOBILE
William "Bill" Clark 711 Atmore Ave., Prichard 36612
- 99 MOBILE
James E. Buskey 2207 Barretts Lane, Mobile 36617
- 100 MOBILE
Victor Gaston 864 West Parkwood Dr., Mobile 36608
- 101 MOBILE
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 MOBILE
J. E. Turner P. O. Box 777, Citronelle 36522
- 103 MOBILE
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603
- 104 MOBILE
Beth Marietta 204 S. Cedar St., Mobile 36602
- 105 MOBILE
Taylor Harper P. O. Box 229, Grand Bay 36541
-

STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1984-85

RULES

Clark (J), Chairman; Clark (W), Vice-Chairman; Boles, Carothers, Coleman, Davis, Dutton, Goodwin, Hall, Harvey, Johnson (Roy), Preuitt, Reed, Starr, Warren.

WAYS & MEANS

Coburn, Chairman; Holley, Vice-Chairman; Albright, Bowling, Brakefield, Browder, Holmes, Junkins, Kennedy, Mitchell, Moore, Rogers, Trammell, Turner, Turnham.

JUDICIARY

Campbell, Chairman; Onderdonk, Vice-Chairman; Bachus, Box, Britnell, Brooks, Buskey (James), Fuller, Kvalheim, Laird, Marietta, Mathis, Nicholson, Poole, Tanner.

STATE ADMINISTRATION

Blake, Chairman; White (F), Vice-Chairman; Biddle, Britnell, Coleman, Crow, Davis, Beasley, Lauderdale, Mathis, Parker, Pratt, Smith, Thomas, Warren.

BUSINESS AND LABOR

Crow, Chairman; Melton, Vice-Chairman; Albright, Bachus, Beers, Blake, Boles, Bugg, Buskey (James), Buskey (John), Ford, Hooper, Moore, Pratt, Trammell.

HEALTH

Biddle, Chairman; Carothers, Vice-Chairman; Clark (J), Butler, Flowers, Johnson (RG), McDowell, Mikell, Pratt, Sasser, Seibels, Starkey, Turner, White (L).

BANKING

Zoghby, Chairman; Harvey, Vice-Chairman; Campbell, Cosby, Escott, Ford, Beasley, Harper, Hettinger, Holley, Venable, Kvalheim, Martin, Nicholson, Penry.

INSURANCE

Cosby, Chairman; Flowers, Vice-Chairman; Brakefield, Burke, Carter, McKee, Martin, Poole, Rice, Richardson, Sasser, Seibels, Smith, Spratt, White (L).

EDUCATION

Grayson, Chairman; Turnham, Vice-Chairman; Bachus, Boles, Britnell, Bugg, Coleman, Laird, Lauderdale, McDowell, McNair, Melton, Newman, Parker, White (G).

AGRICULTURE & FORESTRY

Smith, Chairman; Richardson, Vice-Chairman; Blakeney, Bowling, Butler, Dutton, Faulk, Beasley, Hall, Lindsey, Mathis, Penry, Preuitt, Rains, White (F).

NATURAL RESOURCES

Carter, Chairman; Faulk, Vice-Chairman; Britnell, Clark (W), Crow, Gaston, Grouby, Harper, Lauderdale, McMillan, McNair, Marietta, Onderdonk, Parker, Penry.

PUBLIC WELFARE

Reed, Chairman; Kvalheim, Vice-Chairman; Beers, Black, Brooks, Butler, Gray, Hammett, McNair, Payne, Rains, Richardson, Starkey, White (L).

CONSTITUTIONS AND ELECTIONS

Thomas, Chairman; Venable, Vice-Chairman; Adams, Beers, Black, Blakeney, Box, Buskey (John), Clark (D), Gaston, Grouby, Hooper, Kvalheim, McNair, Starkey.

PUBLIC UTILITIES & TRANSPORTATION

Goodwin, Chairman; Sasser, Vice-Chairman; Bryant, Burke, Gray, Jenkins, Lindsey, McKee, Mitchell, Newman, Nicholson, Payne, Preuitt, Starr, White (G).

COMMERCE AND INDUSTRIAL DEVELOPMENT

Adams, Chairman; Kennedy, Vice-Chairman; Buskey (James), Carter, Clark (D), Cosby, Harvey, Hettinger, McKee, Parker, Penry, Perdue, Rice, Tanner, Venable.

LOCAL GOVERNMENT

Martin, Chairman; Escott, Vice-Chairman; Adams, Browder, Fuller, Gaston, Gray, Grayson, Johnson (RG), Perdue, Seibels, Spratt, Starkey, Venable, White (L).

MILITARY AFFAIRS

Ford, Chairman; Newman, Vice-Chairman; Brooks, Bryant, Escott, Beasley, Grouby, Hammett, Johnson (RG), Lindsey, Melton, Payne, Perdue, Sasser, Starkey.

HIGHWAY SAFETY

Holmes, Chairman; Tanner, Vice-Chairman; Box, Faulk, Flowers, Fuller, Harper, Hettinger, McMillan, Marietta, Poole, Rogers, Spratt, White (F), Zoghby.

SMALL BUSINESS

Laird, Chairman; Mathis, Vice-Chairman; Blakeney, Butler, Fuller, Gray, Hammett, Lindsey, McDowell, McMillan, Mikell, Payne, Starr, Tanner, White (G).

LOCAL LEGISLATION NO. 1

Rains, Chairman; Bryant, Vice-Chairman; Black, Blakeney, Browder, Bugg, Burke, Clark (D), Ford, Fuller, Lindsey, McMillan, Rice, Thomas, Venable.

LOCAL LEGISLATION NO. 2

(Jefferson)

_____, Chairman; Bachus, Vice-Chairman; Beers, Biddle, Boles, Davis, Escott, Gray, McDowell, McNair, Payne, Perdue, Pratt, Rogers, Seibels, Spratt, Trammell, White (G).

LOCAL LEGISLATION NO. 3

(Mobile)

Turner, Chairman; Buskey (James), Vice-Chairman; Box, Clark (W), Gaston, Harper, Kennedy, Kvalheim, Marietta, Zoghby.

LOCAL LEGISLATION NO. 4 (Madison & Montgomery)

(Madison)

Albright, Chairman; _____, Vice-Chairman; Brooks, Butler, Grayson, Hall, Hettinger.

(Montgomery)

McKee, Chairman; Starr, Vice-Chairman; Buskey (John), Holmes, Hooper, Mikell.

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST
EXTRAORDINARY
SESSION
OF 1985

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING WEDNESDAY, JANUARY 23, 1985**



Vol. 1

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

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3. A topic index of general bills listed alphabetically by subject matter;
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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY SESSION
OF 1985**

FIRST LEGISLATIVE DAY

WEDNESDAY, JANUARY 23, 1985

BE IT REMEMBERED, that on the 23rd day of January, A.D., 1985, George Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901.

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 4:00 p.m., on Wednesday, January 23, 1985, and I do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation for the purpose of amending the Constitution of Alabama so as to create a permanent trust fund for the benefit of the State of Alabama and the citizens thereof, which will provide for the funding of such trust fund with state moneys derived from the sale, leasing, or other disposition of offshore oil, gas and other hydrocarbon minerals; and creating a board to manage said trust fund and prescribing the powers thereof; and providing for the investment of moneys held in such trust fund; and terminating the Alabama Heritage Trust Fund in transferring all assets of said trust fund during the year 2001.

2. Legislation proposing an amendment to the Constitution of Alabama of 1901, to provide for the creation of a commission to be responsible for the improving of soil and water conservation and forestry practices in the State of Alabama, and matters relating directly thereto.

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1st Day

3. Legislation proposing an amendment to the Constitution of Alabama of 1901, creating the Alabama Agricultural and Conservation Development Commission and matters relating directly thereto.

4. Legislation to make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency and the State Liability Insurance Fund for the fiscal year ending September 30, 1985.

5. Legislation to change the form of government in the City of Tuscaloosa and in the County of Tuscaloosa County, Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State at the Capitol, in the City of Montgomery, on this the 23rd day of January, 1985.

GEORGE C. WALLACE,
Governor.

ATTEST:

DON SIEGELMAN,
Secretary of State.

Pursuant to such proclamation, at the hour of 4 o'clock P.M. on Wednesday, January 23, 1985, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Bill Baxley, Lieutenant-Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Mr. Cecil E. Jackson, Program and Youth Director, Normandale United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Bart Teel, Wetumpka High School, Wetumpka, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Ellis	Langford
Aldridge	Corbett	Figures	Little
Bailey	Covington	Foshee	Menton
Barron	deGraffenried	Goodwin	Mitchem
Bedford	Denton	Hand	Parsons
Bedsale	Dial	Hilliard	Smith (J)
Bennett	Dixon	Holmes	Strong
Bishop	Drinkard	Horn	Teague

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LEAVE OF ABSENCE

On motion of Senator Holmes, leave of absence was granted Senators Amari, Cabaniss, Sanders, and Smith (B) for today.

RESOLUTION

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMENDING NASH NELSON ON HIS DISTINGUISHED EDUCATIONAL CAREER.

WHEREAS, in highest commendation, the Alabama Legislature notes the distinguished career of Nash Nelson of Glen Allen, Fayette County, Alabama, one of our State's most prominent educators whose December 1984 retirement ended a career of some 40 years in the teaching profession; and

WHEREAS, a native of Detroit, Alabama, and a graduate of the State Secretarial and Agricultural School at Hamilton, Mr. Nelson attended Auburn University and received the Bachelor of Science degree in Agricultural Education in 1943 from Mississippi State University; he also holds a Master's degree awarded in 1954; and

WHEREAS, Nash Nelson, following college graduation, embarked upon an extraordinary career that was to span some four decades, teaching for one year at Berry High School and for the remainder of his tenure at Hubbertville; and

WHEREAS, an agribusiness teacher, Mr. Nelson, at retirement, held the distinction of having taught at Hubbertville longer than any other teacher, his longtime association greatly benefitting both the school and community; and

WHEREAS, among numerous other projects and involvements, Mr. Nelson's establishment of a post-treatment plant, built by his students in 1950, has proved invaluable to local farmers as well as to his students through the years; and

WHEREAS, Mr. Nelson is affiliated with numerous professional organizations, many of which he served in office and in other leadership capacities, and he is the recipient of many awards, honors and professional recognitions; and

WHEREAS, in civic involvement, Mr. Nelson is a former Glen Allen Town Councilman and Mayor, and a member and former president of the Winfield Kiwanis Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Nash Nelson of Glen Allen, Fayette County, Alabama, and direct that he receive a copy of this resolution in expression of our sincere praise and appreciation, and of our utmost regard of his distinguished teaching career.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Thursday, January 24, 1985, at 6 o'clock P.M., which motion was adopted.

RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, deGraffenried, and Strong.

Senators deGraffenried, Bishop, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. CONGRATULATING JOE NAMATH, FORMER CRIMSON TIDE QUARTERBACK AND A 1985 INDUCTEE INTO THE PRO FOOTBALL HALL OF FAME.

WHEREAS, the Alabama Legislature, in warmest, personal pride, extends congratulations to Joe Namath upon his imminent induction into Pro Football's Hall of Fame; and

WHEREAS, Joe Namath, a collegiate football legend, quarterbacked for the University of Alabama in 1962 and '63, and also in 1964 when Coach Paul Bryant's Crimson Tide won both the National and SEC Championships; and

WHEREAS, Joe Namath, who in 1965, was the NFL's number-one draft choice, signed with the New York Jets and his \$400 thousand contract, at that time, was unprecedented in football annals; and

WHEREAS, Joe Namath, who won Rookie of the Year honors, became the first quarterback to pass for 4,000 yards, in 1967; led the Jets to a 16-7 upset victory over Baltimore in Super Bowl III (1965); and compiled a career record of 1,886 of 3,762 yards-passing for a total of 27,663 yards and 173 touchdowns; and

WHEREAS, beset by recurring knee injuries, Joe Namath retired with the Los Angeles Rams in 1977 following a brilliant 13-year professional career with the NFL; and

WHEREAS, Joe Namath's selection for the Hall of Fame is truly a significant accomplishment and one which brings high honor to his Alma Mater, the University of Alabama, and to the State of Alabama from whence he began his journey toward fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend and congratulate Joe Namath for outstanding achievement and direct that he receive a copy of this resolution of praise, executed in highest recognition and regard.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bailey offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. MEMORIALIZING THE PRESIDENT AND CONGRESS
TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN
THE FOOD AND FIBER INDUSTRY.**

WHEREAS, the food and fiber industry is our state's largest industry, employing over 25% of Alabamians and contributing over 20% of our state's revenue creating \$2.018 billion in new wealth to our state annually; and

WHEREAS, the food and fiber producers contribute to the economic, social, and cultural growth and success of our state, and contribute thousands of dollars annually for scholarships in the universities, technical schools, and for other support in the field of education; and

WHEREAS, agricultural industries are of vital importance to the continued prosperity of our state and to its people, yet there has been a recent loss of hundreds of farms in Alabama due to the recent world-wide recession and domestic macroeconomic policies and, moreover, for every dollar lost in production agriculture, an additional \$7 are lost to the economy of the state and a wide range of businesses which serve agriculture; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the President and the Congressional leaders in Washington to take proper action to assure fair trade as a basis for the preservation of the American family farm, American jobs and the welfare of the American people.

BE IT FURTHER RESOLVED, That a copy of this resolution be mailed to President Reagan and to each member of the United States Senate and House of Representatives.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

**S. J. R. 5. COMMENDING DOCTOR ANN THOMPSON, DIRECTOR
OF THE ALABAMA COOPERATIVE EXTENSION SERVICE.**

WHEREAS, the Legislature of Alabama expresses highest commendation of Dr. Ann Thompson, Director of the Alabama Cooperative Extension Service; and

WHEREAS, Dr. Thompson assumed directorship of Auburn University's Extension Service in September 1984 following a tenure of 18 years with the Virginia Cooperative Extension Service as associate dean and assistant director; and

WHEREAS, a native of Daviston in Tallapoosa County, she is an honors graduate of Auburn University with the bachelor's degree, the University of Maryland with a master's degree and of Oklahoma State University where she earned her doctorate; and

WHEREAS, Dr. Thompson, a participant as a child and teenager in the Alabama Extension Service 4-H program, has always worked with Extension, first in Alabama and later in Florida prior to her longtime service in Virginia; and

WHEREAS, as one of our nation's most qualified and experienced individuals in extension work, Dr. Thompson brings home to Auburn truly

outstanding credentials for her new position and she is indeed to be commended for outstanding accomplishment in her field; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate with warmest praise Dr. Ann Thompson as the new director of the Alabama Cooperative Extension Service and direct that a copy of this commendatory resolution be provided for her.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. MOURNING THE DEATH OF CLARENCE ALBERT BROGDEN OF HEADLAND, ALABAMA.

WHEREAS, the Legislature of Alabama, with deep regret, records the death of Clarence Albert Brogden of Headland, Alabama, on December 24, 1984, at the age of 78 years; and

WHEREAS, Mr. Brogden, who was a native of Gantt, Alabama, graduated from Alabama Polytechnic Institute, now Auburn University, in 1930 with a degree in agricultural education, subsequently serving as a teacher and principal in Ashland, and as a teacher in Enterprise with the Farmers Home Administration before moving to Headland in 1937 to work at the Auburn University Agricultural Experiment Substation; and

WHEREAS, with the exception of U. S. Army service during World War II, Mr. Brogden was associated with the Wiregrass Substation until retirement; he also was retired as a major in the U. S. Air Force Reserve; and

WHEREAS, Mr. Brogden served the Headland Substation first as assistant superintendent, then as superintendent; he was a leader in peanut development and worked for improved production practices during the period that the peanut industry grew into a multi-million dollar industry in Southeast Alabama; and

WHEREAS, in civic responsibility and community involvement, Mr. Brogden was a member, trustee, deacon and Sunday School teacher in Headland's First Baptist Church, and was a member and past president of the Headland Kiwanis Club, also serving as a former lieutenant governor of the Alabama District; and

WHEREAS, he further had served as chairman of the Henry County Cancer Fund and was a member of A.A.R.P., United Commercial Travelers, Retired Officers Association, Agricultural Alumni Association of Auburn University, and served on the Wiregrass Mental Health Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Clarence Albert Brogden of Headland, Alabama, and extend deepest sympathy to his wife and daughter, Mrs. Elizabeth Johnson Brogden and Mrs. Joan Elizabeth B. Barnhill, and other family members, whose sorrow we deeply share and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. MOURNING THE DEATH OF ALEXANDER NUNN OF LOACHAPOKA, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Alexander Nunn of Loachapoka, Alabama, on January 6, 1985, at the age of 80 years; and

WHEREAS, Dr. Nunn was Lee County's first official historian and had so served with distinction since the position was established in 1977; he was the author of numerous books, articles and other publications and had most recently edited "Lee County and Her Forebears," published in 1983; and

WHEREAS, Dr. Nunn was a member of one of East Alabama's pioneer families, was educated in the public schools of Notasulga and Auburn, and was a 1924 graduate of Auburn University; he was a recipient of an honorary doctor of science degree from the university, and later served on the Advisory Council for Auburn's School of Arts and Sciences; and

WHEREAS, among other awards and honors, Dr. Nunn was named Honorary American Farmer by Future Farmers of America, received the national 4-H Alumni Award, and was recognized by the Soil Conservation Society; and

WHEREAS, a contributor to "The Progressive Farmer" from the age of 15, Dr. Nunn, after graduation, joined the publication's staff as a proof-reader; he was named assistant managing editor the following year and retired as executive editor and executive vice president in 1967; and

WHEREAS, Alexander Nunn was a founding member of the Lee County Historical Society and its museum, and played an instrumental role in acquiring the National Register of Historic Places designation for the Loachapoka Historical District; and

WHEREAS, he further served as delegate to jurisdictional and general conferences of the Methodist Church and the World Ecumenical Conference of Methodism in England in 1951; he was a longtime member of the Auburn and Birmingham Downtown Lions Clubs, serving the latter as a past president, and he had served on the Emory University's Committee of 100, the boards of Blue Cross-Blue Shield of Alabama and the national agriculture Hall of Fame; and

WHEREAS, Dr. Nunn also was a trustee of the Farm Foundation, a member of the Southern Agricultural Advisory Board and was a past chairman of the National Cotton Advisory Committee; he additionally was national chairman of the Agricultural Advisory Committee in Vocational Education and served in numerous advisory capacities for programs related to farms and farm families; and

WHEREAS, Alexander Nunn was indeed one of Loachapoka's, Lee County's and Alabama's most distinguished citizens and his death has left a deep void in the lives of his family and friends, and in the lives of legions of others to whom he gave love and understanding, encouragement and a helping hand; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Alexander Nunn of Loachapoka, Alabama, and extend our sympathy to his wife, Mrs. Sallye Roe Nunn, to his son and daughters, and to other

family members whose sorrow we share and for whom copies of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senators Goodwin, Parsons, Bedford, Strong, Mitchem, Bennett, Bedsole, Menton, Little, Barron, Langford, Denton, Ellis, Bailey, Teague, Dixon, Holmes, Smith (J), Cabaniss, Foshee, Cooley, Covington, Dial, Aldridge, Drinkard, Amari, Smith (B), deGraffenried, and Hand:

S. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Teague:

S. 2. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

Committee on Constitutional Revision.

The above Bili was read a first time at length as required by the Constitution.

By Senators deGraffenried and Bishop (With Notice and Proof):

S. 3. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that

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the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 3, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bennett and Parsons (With Notice and Proof):

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 4, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Committee on Local Legislation No. 1.

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I hereby certify that the notice and proof is attached to the Bill, S. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 7, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 8, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 9, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 10, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording

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fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 11, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Strong (With Notice and Proof):

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 12, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Strong (With Notice and Proof):

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 13, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Strong (With Notice and Proof):

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 14, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Strong (With Notice and Proof):

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall

be calculated on a certain percentage of the present annual compensation for such official.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 15, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 16, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 17. To alter and rearrange the boundaries of the City of Gardendale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 17, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 18. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 18, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 19. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Committee on Local Legislation No. 2.

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I hereby certify that the notice and proof is attached to the Bill, S. B. 19, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Mitchem, Bedford, Dial, Barron, Little, Goodwin, and Cooley:

S. 20. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency and the State Liability Insurance Fund for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Mitchem, Drinkard, Dial, Langford, Dixon, Menton, Denton, Bedford, Barron, Hand, Goodwin, Cooley, and Bailey:

S. 21. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the 1985 First Special Session of the Legislature of Alabama that was introduced thereat as Senate Bill 2, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Committee on Finance and Taxation.

By Senators Menton, Holmes, Bedford, Denton, and Hand:

S. 22. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Committee on Finance and Taxation.

By Senator Bailey:

S. 23. To amend Sections 27-10-20, 27-10-22, 27-10-24, 27-10-26, 27-10-31 and 27-10-35, which relate to surplus line insurance coverage obtained from non-licensed companies, so as to provide for a premium tax on certain life and disability insurance placed with said companies; to provide further for licensing of life and disability resident agents as surplus line brokers and for increasing the bond liability sum requirements of surplus line brokers; to amend the policy endorsement requirement; to provide further for eligibility requirements of said insurers for the placement of surplus line insurance; to exclude brokers from payment of surplus line tax on coverage insuring governmental entities; and to provide for an effective date.

Committee on Banking and Insurance.

By Senator Foshee:

S. 24. To make a supplemental appropriation from the general fund in the state treasury to the office of the Secretary of State for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Aldridge, Mitchem, Langford, Foshee, Parsons, Bedford, Menton, Dixon, Teague, Bennett, Amari, Strong, Covington, Holmes, Denton, Cooley, Bailey, deGraffenried, Drinkard, Dial, Barron, Corbett, Bedsole, Ellis, Smith (J), and Bishop:

S. 25. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Committee on Finance and Taxation.

By Senators Menton, Holmes, Bedford, Denton, and Hand:

S. 26. To amend the Code of Alabama 1975, Section 40-20-5, so as to change the due date for reports of production of natural gas under the Privilege Tax on Production.

Committee on Finance and Taxation.

By Senators Menton, Holmes, Bedford, Denton, and Hand:

S. 27. To amend Code of Alabama 1975, Section 9-17-26, so as to change the due date for reports of production of natural gas under the Conservation and Production Tax.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 28. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Committee on Agriculture, Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Senators Foshee and Bedford:

S. 29. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent oil and gas revenue trust fund for the benefit of the State and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in certain offshore oil, gas and other hydrocarbon minerals; to provide that the existing board of trustees for "The Alabama Heritage Trust Fund" shall manage such trust fund; to prescribe the powers of such board; to provide for the investment of moneys held in such trust fund; to authorize the legislature to make certain appropriations from the investment income earned by such fund; provides that during the first two years after such fund comes into existence 10% of any income generated from such funds investments shall be deposited into the trust capital of such fund for reinvestment with 20% of such income being deposited into such trust capital for reinvestment during the third through the fourteenth year of such funds existence; provides that beginning with the fifteenth year of such funds existence and thereafter one-half of such income earned during each year shall be used to reduce state income taxes levied on individuals and provides that when all bonds issued pursuant to Amendment No. 395 of this Constitution have been fully retired the trust capital of the "Alabama Heritage Trust Fund" shall be merged with the trust capital of the trust fund herein provided for to be thereafter entrusted according to the provisions of this amendment.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senators deGraffenried and Bishop:

S. 30. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Committee on Local Legislation No. 1.

By Senator Smith (J):

S. 31. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state or the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

Committee on Judiciary.

By Senator Smith (J):

S. 32. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing

life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

Committee on Judiciary.

By Senator Smith (J):

S. 33. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Committee on Judiciary.

By Senator Smith (J):

S. 34. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Senators Menton, Bedford, Cooley, and Goodwin:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

Committee on Buildings and Grounds.

By Senators Bedsole and Figures:

S. 36. To amend Section 11-50-345 of the Code of Alabama 1975, relating to public utilities so as to further regulate the rate of interest payable on bonds issued by any board of water and sewer commissioners.

Committee on Finance and Taxation.

By Senators Figures and Bedsole:

S. 37. To make a conditional appropriation to the Louisiana, Mississippi,

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Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

Committee on Finance and Taxation.

By Senator Foshee:

S. 38. To amend Section 36-29-10, Code of Alabama 1975, which provides for the election of retired state employees and retired teachers to continue coverage under the group insurance plan by the deduction of premiums for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost.

Committee on Buildings and Grounds.

By Senator Bailey:

S. 39. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Committee on Agriculture, Conservation, and Forestry.

By Senators Aldridge, Denton, Hilliard, Holmes, and deGraffenried:

S. 40. To amend §22-2-4, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

Committee on Health and Welfare.

By Senators Strong and Bailey:

S. 41. To provide that certain industrial site preparation grants administered by the Alabama Development Office shall not be restricted to only those industries which are deemed to be manufacturers.

Committee on Industrial Expansion, Economic Growth, and Jobs.

By Senator Langford:

S. 42. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Committee on Governmental Affairs.

By Senators Strong, Bailey, and Drinkard:

S. 43. To amend Section 16-24-2, Code of Alabama, 1975, to allow county and city boards of education, upon the recommendation of the superintendent, to grant "continuing service status" to teachers who have completed at least one academic year of employment and who have had "continuing service status" previously granted in another school system.

Committee on Education.

By Senators Parsons, Bennett, Hilliard, and Aldridge:

S. 44. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts

purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

Committee on Education.

By Senator Little:

S. 45. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

Committee on Finance and Taxation.

By Senator Bailey:

S. 46. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

Committee on Finance and Taxation.

By Senators Menton, Bedford, and Strong:

S. 47. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Education.

By Senators Corbett, Bedford, Menton, Langford, Drinkard, Bedsole, Ellis, Strong, Aldridge, Parsons, Smith (J), Little, Dixon, Foshee, Hand, Bailey, Hilliard, and Figures:

S. 48. To exempt all persons employed in public and private schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Committee on Education.

By Senator Teague:

S. 49. To amend Sections 34-11-1 and 34-11-2 of the Code of Alabama of 1975, as heretofore amended, which regulate the practice of engineering and land surveying, so as to clarify the scope of such regulation by expressly excluding the practice of genetic engineering, molecular engineering, protein engineering or other similar activities encompassed within the life sciences from the definition of the practice of engineering and by expressly stating that nothing in such regulatory statutes or any other law of this state shall be construed to prohibit any person from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used or modified in such manner that it does not convey the impression that such person practices or offers to practice engineering as defined in Chapter 11 of Title 34 of the Code of Alabama of 1975 or from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used in connection with or

modified by the terms genetic, molecular, protein or other similar terms connoting an activity encompassed within any of the life sciences.

Committee on Finance and Taxation.

RESOLUTIONS

Senator Barron offered the following Senate Resolutions, to-wit:

S. R. 8. COMMENDING AND CONGRATULATING MITCH RAINER ON ATTAINING THE RANK OF EAGLE SCOUT.

Also:

S. R. 9. COMMENDING THE FORT PAYNE HIGH SCHOOL WILDCATS FOOTBALL TEAM.

Also:

S. R. 10. COMMENDING THE BRIDGEPORT HIGH SCHOOL TIGERS FOOTBALL TEAM.

Also:

S. R. 11. COMMENDING AND CONGRATULATING TIM BURCH ON ATTAINING THE RANK OF EAGLE SCOUT.

Also:

S. R. 12. COMMENDING FYFFE HIGH SCHOOL ON ITS OUTSTANDING 1984 FOOTBALL SEASON.

Which were adopted.

Senator Foshee offered the following Senate Resolutions, to-wit:

S. R. 13. CONGRATULATING MICHAEL GRANTHAM ON ACHIEVING THE RANK OF EAGLE SCOUT.

Also:

S. R. 14. CONGRATULATING TRAVIS GRANTHAM ON ACHIEVING THE RANK OF EAGLE SCOUT.

Also:

S. R. 15. WISHING PHILLIP GRAY A SPEEDY RECOVERY.

Which were adopted.

Senator Little offered the following Senate Resolutions, to-wit:

S. R. 16. COMMENDING J. T. EDGE OF WADLEY, ALABAMA, UPON HIS RETIREMENT AS DIRECTOR OF FINANCIAL AID AT SOUTHERN UNION STATE JUNIOR COLLEGE.

Also:

S. R. 17. MOURNING THE DEATH OF EUGENE T. CONWAY OF AUBURN, ALABAMA.

Also:

S. R. 18. COMMENDING DR. HUNTER PEAK, FORMER MEMBER OF THE FACULTY OF AUBURN UNIVERSITY.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. ENDORSING THE PROCLAMATION OF JANUARY 1985 AS MEDICAL EYE MONTH.

WHEREAS, the precious gift of eyesight is recognized by the American people as the most valuable of the senses; and

WHEREAS, the National Society to Prevent Blindness has declared that half of all blindness can be prevented; and

WHEREAS, such unnecessary blindness can be prevented when early medical attention is obtained, or when safety devices are worn to protect the eyes; and

WHEREAS, the Alabama Academy of Ophthalmology includes many qualified eye physicians and surgeons along with outstanding medical facilities for proper care and treatment of those threatened by blindness; and

WHEREAS, citizens of Alabama should become aware of the importance of regular medical eye examinations and seek direct help from medical eye doctors when eye conditions which may lead to blindness are first experienced; and

WHEREAS, many Alabamians are experiencing significant economic and unemployment problems which may prevent their obtaining proper medical eye examinations; and

WHEREAS, participating ophthalmologists throughout Alabama will provide free vision/glaucoma screenings in their offices on Wednesday, January 23rd, and Wednesday, January 30th; and

WHEREAS, the month of January has been designated National Eye Health Care Month by a U. S. Senate Resolution, and many other states have corresponding programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the proclamation of January 1985 as Medical Eye Month in the State of Alabama.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, AL 36130

Ladies and Gentlemen:

I transmit herewith, a message from Governor George C. Wallace.

Done this the 23rd day of January, 1985.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, AL 36130

Ladies and Gentlemen:

I have called you together into extraordinary session today to provide you, the members of the Legislature, an opportunity to leave a legacy for future Alabamians. We were extremely fortunate in August of 1984 to have received very attractive bids on leasing some of the state's land for the purpose of oil and gas exploration. We accepted bids totalling \$347,483,000 and immediately invested those funds so as to earn maximum interest for the General Fund. However the time has come for a more permanent answer in this matter. We have a very unique opportunity to provide a legacy for future generations of Alabamians. This legacy will survive us and serve as a constant and consistent reminder to posterity of our concern about the future economic health of our state. In short we can enjoy some of the benefits of our natural resources while preserving a share of those benefits for those who come after us.

Some of you have expressed genuine concern about some of the real needs of state government and you have expressed your desire to designate a portion of the oil and gas revenues, or the interest from these investments to be used for these various needs. I agree with you that these are serious, legitimate needs at this particular time. I assure you that my administration will work with you to help find solutions to these problems. However, I hope that you will agree with me that we must not permanently earmark these revenues for what may be temporary problems. Each case in point is an argument of why the legislature each year should be free to determine the critical needs of state government, then allocate these funds to meet those needs as you see fit. A permanent trust fund that can be fed by royalties and future bonuses is the responsible, statesmanlike alternative to additional taxes to meet the needs of state government. You can be proud that you helped provide this legacy for your children, their children, and all future generations.

The opportunity to help secure the future of generations of Alabamians is unique, but it also places a great responsibility on our collective shoulders. We must exemplify the highest level of statesmanship in our deliberations. We must ensure that this trust fund is secure and that the investment procedures are sound and will stand the test of time.

We must resist the temptation to write into this Constitutional Amendment a means of making a quick profit on investments or procedures that may be sound today, but risky and unsafe tomorrow. We must be mindful that we are dealing with funds which come from our state's finite resources

and belong to all generations. Therefore, they should demand the highest degree of prudence, responsibility and integrity.

We must not spend away, or gamble away this heritage of the people of Alabama!

In my proposal to create the Alabama Trust Fund, we have worked very hard to present to you an amendment that is fair, responsive and responsible. Two leading New York banking institutions have labeled our investment philosophy embodied in this proposal as "a very prudent, sensible investment policy for our state."

In summary, I urge you to resist embarking on a path that may lead to temporary gratification but long-range financial chaos as now exists in some of our sister states whose legislatures chose a different approach to their oil and gas revenues. These finite minerals will some day be depleted. But if you will join me in enthusiastic and unwavering support of the proposal I place before you, the benefits from these resources will continue to live and provide for the future of all generations of Alabamians from this day forward.

In addition to the trust fund legislation, I am asking you to consider several other matters during this session. Alabama farmers have been especially hard hit during these recent difficult times. One way we can be of assistance is through an effective soil conservation program. We have the sixth highest cropland erosion rate in the nation and we have an obligation to protect our land for future generations. I am including a constitutional amendment and enabling legislation to do just that.

I strongly urge you to favorably consider these and other items included in the call.

I thank you for your sense of dedication and teamwork exhibited in the past and I know that we will continue to work together in the interest of all citizens of our state.

Done this 23rd day of January, 1985.

Respectfully,

GEORGE C. WALLACE,
Governor.

Which was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:30 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, January 24, 1985, at 6 o'clock P.M.

**SECOND LEGISLATIVE DAY
THURSDAY, JANUARY 24, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Honorable Senator T. D. "Ted" Little, Twenty-Seventh Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ivory Montgomery, Bellingrath Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	Corbett	Hand	Parsons
Amari	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedford	Dial	Horn	Smith (J)
Bedsole	Dixon	Langford	Strong
Bennett	Figures	Little	Teague
Bishop	Foshee	Menton	

—30

JOURNAL

On motion of Senator Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Goodwin, leave of absence was granted Senators Bailey, Cabaniss, Covington, Drinkard, and Ellis for today.

MOTION TO ADJOURN

Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Friday, January 25, 1985, at 10:30 A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston, Marietta, Kvalheim, Penry, McMillan, Buskey (James), Kennedy, Turner, and Zoghby:

H. J. R. 8. COMMENDING TAYLOR FREELAND HARPER OF GRAND BAY, ALABAMA.

Also:

By Reps. Gaston, Marietta, and Kvalheim:

H. J. R. 9. COMMENDING DAVID N. WRIGHT OF MOBILE, ALABAMA, FOR DISTINGUISHED CONTRIBUTIONS TO THE BANKING INDUSTRY AND FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Pratt:

H. J. R. 10. CONGRATULATING MR. AND MRS. MILTON FIES NESBITT OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 8, 9, and 10, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House Reps. Goodwin, Davis and Hooper.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators deGraffenried, Strong, and Goodwin.

RESOLUTIONS

Senators Bedford and Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. COMMENDING HEAD COACH KENNETH McKINNEY OF LAMAR COUNTY HIGH SCHOOL.

WHEREAS, under the leadership of a dynamic new coach, the Lamar County High School football team, in just one short year, went from a one-nine season to the State 3-A Championship; and

WHEREAS, to be credited with this remarkable accomplishment is Head Coach Kenneth McKinney whose first year's triumph is prophetic of a state powerhouse to be held in awe by rivals in the 3-A league; and

WHEREAS, despite a number of offers from other schools, Coach McKinney has announced his intention to remain with Lamar County High and it is with delight that we join his many loyal fans and boosters in applauding his decision; and

WHEREAS, Coach McKinney, in looking to the future, has big plans for Lamar County's athletic program and he has indeed won the full support and enthusiastic backing of the Vernon community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Kenneth McKinney of Lamar County High School for whom a copy of this resolution shall be provided, in token expression of our sincere warm praise and esteem.

On motion of Senator Beford, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bugg and Junkins:

H. J. R. 4. COMMENDING LARRY ROSE OF EMMA SANSOM HIGH SCHOOL FOR OUTSTANDING ACCOMPLISHMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senator Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. COMMENDING WAQ, TV3, A COMMUNITY TELEVISION STATION.

WHEREAS, the Legislature of Alabama, notes with commendation the operation of WAQ, TV3, which is Alabama's first and only Community Television Station; and

WHEREAS, Community Television is designed specifically for community service and Moore Broadcasting, Incorporated, has evidenced its willingness to help the community, the City of Demopolis and adjacent areas, in every way possible; and

WHEREAS, though new to the concept of Community Television, the staff of WAQ, under general management of Irene Borowicz, has earnestly solicited the support of the community it serves; and

WHEREAS, it is further to be noted that the staff at TV3 consists entirely of local residents, hired from the Demopolis area, who are given on-the-job training to enable them to provide: local programming, including local commercials; coverage of city council meetings and other events of public concern; and presently to provide twice-daily news programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the operation of WAQ, TV3, in Demopolis, and the staff's efforts to serve the community through local programming encompassing all areas of public concern.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Irene Borowicz, general manager, on behalf of the entire staff at TV3 and Moore Broadcasting, Incorporated.

On motion of Senator Strong, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Burke:

H. J. R. 5. COMMENDING VALLEY HEAD HIGH SCHOOL FOOTBALL TEAM ON DIVISION 1A STATE CHAMPIONSHIP.

Also:

By Rep. Blake:

H. J. R. 7. COMMENDING JEANNE PRUETT, NATIVE ALABAMIAN AND COUNTRY MUSIC STAR OF INTERNATIONAL FAME.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 5 and 7, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (F) and Sasser:

H. J. R. 11. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, STATE 4-A FOOTBALL CHAMPIONS FOR 1984.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 11, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McKee and Hammett:

H. J. R. 13. CONGRATULATING MR. JAMES W. FUQUA, SR. ON HIS 90TH BIRTHDAY.

Also:

By Reps. Albright and Hall:

H. J. R. 14. COMMENDING MADISON COUNTY'S STEVE AND JACKIE TATE, A. F. B.'S OUTSTANDING YOUNG FARM FAMILY FOR 1984.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 13 and 14, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Senators Corbett, Bishop, and Strong:

S. 50. To amend sections 34-9-40 and 34-9-41, Code of Alabama 1975, relating to the Board of Dental Examiners, so as to add one dental hygienist to such Board.

Committee on Health and Welfare.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 22. COMMENDING MR. HOLLIS O. BRIDGES OF MADISON, ALABAMA, FOR OUTSTANDING CITIZENSHIP.

Also:

S. R. 23. COMMENDING MR. G. L. BREWER OF BROWNSBORO, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Menton, Bedford, Cooley, and Goodwin:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

By Senator Foshee:

S. 38. To amend Section 36-29-10, Code of Alabama 1975, which provides for the election of retired state employees and retired teachers to continue coverage under the group insurance plan by the deduction of premiums for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Parsons, Bennett, Hilliard, and Aldridge:

S. 44. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was reads a second time and placed on the calendar, to-wit:

By Senators Corbett, Bedford, Menton, Langford, Drinkard, Bedsole, Ellis, Strong, Aldridge, Parsons, Smith (J), Little, Dixon, Foshee, Hand, Bailey, Hilliard, and Figures (With Substitute):

S. 48. To exempt all persons employed in public and private schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Aldridge, Denton, Hilliard, Holmes, and deGraffenried (With Substitute):

S. 40. To amend §22-2-4, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 42. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 2. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

The above Bill was read a second time at length as required by the Constitution.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 31. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state or the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

By Senator Smith (J):

S. 32. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

By Senator Smith (J):

S. 33. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

By Senator Smith (J):

S. 34. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators deGraffenried and Bishop (With Notice and Proof):

S. 3. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County

Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

By Senator Cooley (With Notice and Proof):

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

By Senator Cooley (With Notice and Proof):

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Notice and Proof) (With Substitute):

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar; to-wit:

By Senator Cooley (With Notice and Proof):

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

By Senator Cooley (With Notice and Proof):

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

By Senator Cooley (With Notice and Proof):

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

By Senator Strong (With Notice and Proof):

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

By Senator Strong (With Notice and Proof):

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

By Senator Strong (With Notice and Proof):

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

By Senator Strong (With Notice and Proof):

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

By Senator Cooley (With Notice and Proof):

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

By Senators deGraffenried and Bishop:

S. 30. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing

for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Senator Parsons, Vice Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 19. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

By Senator Hilliard (With Notice and Proof):

S. 18. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

By Senators Bennett and Parsons (With Notice and Proof):

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

By Senator Bennett (With Notice and Proof):

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

By Senator Hilliard (With Notice and Proof):

S. 17. To alter and rearrange the boundaries of the City of Gardendale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Parsons, Bedford, Strong, Mitchem, Bennett, Bedsole, Menton, Little, Barron, Langford, Denton, Ellis, Bailey, Teague, Dixon, Holmes, Smith (J), Cabaniss, Foshee, Cooley, Covington, Dial, Aldridge, Drinkard, Amari, Smith (B), deGraffenried, and Hand:

S. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other

disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

The above Bill was read a second time at length as required by the Constitution.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Drinkard, Dial, Langford, Dixon, Menton, Denton, Bedford, Barron, Hand, Goodwin, Cooley, and Bailey (With Amendment):

S. 21. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the 1985 First Special Session of the Legislature of Alabama that was introduced thereat as Senate Bill 2, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Menton, Holmes, Bedford, Denton, and Hand:

S. 22. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Aldridge, Mitchem, Langford, Foshee, Parsons, Bedford, Menton, Dixon, Teague, Bennett, Amari, Strong, Covington, Holmes, Denton, Cooley, Bailey, deGraffenried, Drinkard, Dial, Barron, Corbett, Bedsole, Ellis, Smith (J), and Bishop (With Amendment):

S. 25. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Menton, Holmes, Bedford, Denton, and Hand:

S. 26. To amend the Code of Alabama 1975, Section 40-20-5, so as to change the due date for reports of production of natural gas under the Privilege Tax on Production.

By Senators Menton, Holmes, Bedford, Denton, and Hand:

S. 27. To amend Code of Alabama 1975, Section 9-17-26, so as to change the due date for reports of production of natural gas under the Conservation and Production Tax.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Figures (With Amendment):

S. 36. To amend Section 11-50-345 of the Code of Alabama 1975, relating to public utilities so as to further regulate the rate of interest payable on bonds issued by any board of water and sewer commissioners.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Figures and Bedsole:

S. 37. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

By Senator Little:

S. 45. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

By Senator Bailey:

S. 46. To amend Section 8-17-91, which provides for distribution of

petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

By Senator Teague:

S. 49. To amend Sections 34-11-1 and 34-11-2 of the Code of Alabama of 1975, as heretofore amended, which regulate the practice of engineering and land surveying, so as to clarify the scope of such regulation by expressly excluding the practice of genetic engineering, molecular engineering, protein engineering or other similar activities encompassed within the life sciences from the definition of the practice of engineering and by expressly stating that nothing in such regulatory statutes or any other law of this state shall be construed to prohibit any person from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used or modified in such manner that it does not convey the impression that such person practices or offers to practice engineering as defined in Chapter 11 of Title 34 of the Code of Alabama of 1975 or from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used in connection with or modified by the terms genetic, molecular, protein or other similar terms connoting an activity encompassed within any of the life sciences.

ADJOURNMENT

At 7:05 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Friday, January 25, 1985, at 10:30 A.M.

**THIRD LEGISLATIVE DAY
FRIDAY, JANUARY 25, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Dale Chambliss, Associate Pastor, First Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by John Hall, Millbrook Junior High School, Millbrook, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Goodwin	Mitchem
Amari	deGraffenried	Hand	Parsons
Bailey	Denton	Hilliard	Sanders
Barron	Dial	Holmes	Smith (B)
Bedford	Dixon	Horn	Smith (J)
Bedsole	Drinkard	Langford	Strong
Bennett	Ellis	Little	Teague
Bishop	Figures		

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JOURNAL

On motion of Senator Goodwin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Goodwin, leave of absence was granted Senators Cabaniss and Covington for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION AND READY FOR THE TRANSACTION OF BUSINESS.

Also:

H. J. R. 4. COMMENDING LARRY ROSE OF EMMA SANSOM HIGH SCHOOL FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 5. COMMENDING VALLEY HEAD HIGH SCHOOL FOOTBALL TEAM ON DIVISION 1A STATE CHAMPIONSHIP.

Also:

H. J. R. 7. COMMENDING JEANNE PRUETT, NATIVE ALABAMIAN AND COUNTRY MUSIC STAR OF INTERNATIONAL FAME.

Also:

H. J. R. 8. COMMENDING TAYLOR FREELAND HARPER OF GRAND BAY, ALABAMA.

Also:

H. J. R. 9. COMMENDING DAVID N. WRIGHT OF MOBILE, ALABAMA, FOR DISTINGUISHED CONTRIBUTIONS TO THE BANKING INDUSTRY AND FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 10. CONGRATULATING MR. AND MRS. MILTON FIES NESBITT OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 11. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, STATE 4-A FOOTBALL CHAMPIONS FOR 1984.

Also:

H. J. R. 13. CONGRATULATING MR. JAMES W. FUQUA, SR. ON HIS 90TH BIRTHDAY.

Also:

H. J. R. 14. COMMENDING MADISON COUNTY'S STEVE AND JACKIE TATE, A.F.B.'S OUTSTANDING YOUNG FARM FAMILY FOR 1984.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Boles:

H. J. R. 15. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY LEGISLATIVE COMPENSATION.

Also:

By Rep. Ford:

H. J. R. 16. GIVING LEGISLATIVE APPROVAL TO THE ADMISSION OF THE STATE OF OKLAHOMA INTO THE SOUTHERN REGIONAL EDUCATIONAL COMPACT ORIGINALLY ENTERED INTO BY THE STATE OF ALABAMA AND OTHER SOUTHERN STATES ON FEBRUARY 8, 1948.

Also:

By Rep. Moore:

H. J. R. 17. COMMENDING THE MONTEVALLO HIGH SCHOOL BULLDOGS FOOTBALL TEAM ON AN OUTSTANDING SEASON.

Also:

By Rep. Moore:

H. J. R. 18. COMMENDING THE CALERA HIGH SCHOOL EAGLES FOOTBALL TEAM.

Also:

By Rep. Moore:

H. J. R. 19. COMMENDING THE SHELBY COUNTY WILDCATS FOOTBALL TEAM.

Also:

By Rep. Moore:

H. J. R. 20. COMMENDING THE COOSA VALLEY ACADEMY, A.P.S.A. 2A REGIONAL AND STATE FOOTBALL CHAMPIONS.

Also:

By Rep. Lindsey:

H. J. R. 21. CONGRATULATING AND COMMENDING THE CHEROKEE COUNTY HIGH SCHOOL WARRIORS ON THEIR OUTSTANDING 1984 FOOTBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 15, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Dixon, the Rules were suspended and the Resolutions, H.J.R.'s 16, 17, 18, 19, 20, and 21, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

BILLS ON THIRD READING

Senator Little moved to suspend the Rules in order to bring up the Bill:

S. 45. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

Which motion was lost.

RESOLUTION

Senator Langford offered the following Senate Resolution, to-wit:

S. R. 24. COMMENDING CECIL BISHOP, PRESIDING BISHOP, TENTH EPISCOPAL DISTRICT OF THE AME ZION CHURCH.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (Roy):

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 3—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Melton (With Notice and Proof):

H. 1. Relating to Tuscaloosa County government and its public officers and administration: to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Richardson and Hall (With Notice and Proof):

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 41, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Blake and Junkins (With Notice and Proof):

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to

the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 45, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blakeney (With Notice and Proof):

H. 46. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 46, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Britnell, Newman, and Lauderdale (With Notice and Proof):

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 24, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

John W. Pemberton,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1, 41, 45, 46, and 24—to the Committee on Local Legislation
No. 1

REPORTS OF COMMITTEES

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 28. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

The above Bill was read a second time at length as required by the Constitution.

By Senator Bailey:

S. 39. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 3. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	Corbett	Hand	Parsons
Amari	deGraffenried	Holmes	Smith (B)
Barron	Denton	Horn	Smith (J)
Bedsole	Dixon	Little	Strong
Bennett	Drinkard	Menton	Teague
Bishop	Foshee		

—25

Nays:

—0

THE BILL:

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S.B. 8, to-wit:

SUBSTITUTE FOR S. B. 8

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Cullman County Commission shall furnish additional and sufficient personnel to the County Revenue Commissioner's office for the purpose of researching and obtaining the name of each county resident that owns a motor vehicle. The name of the owner shall be placed on a separate monthly roster, depending on the first letter of their last name as set forth in Section 32-6-61, Code of Alabama 1975. This roster shall be completed by the first day of November 1985. The Revenue Commissioner shall have authority to employ sufficient persons to operate his office. Said personnel shall be paid from the county general fund.

Section 2. The Revenue Commissioner shall, on the first day of December, 1985, mail to each auto owner who is to purchase auto tags in January of 1986, an application form, containing a space for the name and address of the owner of the motor vehicle, the make, model, year and motor number of the vehicle, the correct amount of ad valorem taxes, (state, county, school districts, municipal and other) and the amount of the motor vehicle license tax, the cost of tag issuance and handling fee. Said form shall also include the final date due without penalty. The commissioner shall keep a copy of each application on file. Each year thereafter the commissioner shall send such application to each auto owner on the first day of each month prior to the month of expiration of the current year's tag or decal.

Section 3. Once the auto owner receives his application he may sign the application form and return it by mail, together with his remittance of the total amount shown on the form, payable to the Revenue Commissioner's office no later than the 12th day of the following month, which is the date of expiration of the current year's tag or decal. If the auto owner has signed the application form and sent the correct amount then the Revenue Commissioner shall stamp said form "paid" and mail it along with the auto tag or decal sticker to the applicant by the 28th day of the month. If there is an error made on behalf of the owner, the Revenue Commissioner may notify the owner and the owner may send the additional amount needed or he may come by the Revenue Commissioner's office and correct the error and pick up his tag. If the applicant has sent too large an amount, the Revenue Commissioner's office shall refund to him said overpayment when his tag is mailed. If any applications are received by the Revenue Commissioner's office later than the 12th of the month of the applicant's tag or decal expiration, he may file and keep such application until the owner comes by the Revenue Commissioner's office and picks up his tag.

Section 4. The fee for mailing out auto tags shall be two dollars (\$2.00) which shall be paid to the county general fund. Such fee shall be included on the application form sent out by the Revenue Commissioner.

Section 5. The actual expense of preparing, posting, and mailing out of application forms shall be that of the Cullman County Commission. The Revenue Commissioner shall not be held accountable for errors made by county employees. All license tags, other than tags for any truck weighing over 12,000 pounds and TR trailer tags, may be ordered through the mail.

Section 6. All the forms necessary in the administration of this act shall be furnished by the state department of revenue.

Section 7. The procedure authorized by this act for the payment of ad valorem taxes on motor vehicles and motor vehicle license taxes and the issuance of license tags is optional, an alternative to the procedure now

provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person, without the necessity of paying the mailing fee provided for herein.

Section 8. The Revenue Commissioner of Cullman County shall perform all duties necessary to provide for the sale and issuance of motor vehicle license tags and for the payment of ad valorem taxes on motor vehicles. Any duties and functions now performed by the Probate Judge or other public official in Cullman County necessary for said purpose are hereby transferred to the Revenue Commissioner.

Section 9. The Revenue Commissioner is authorized to employ a Chief Clerk whose primary responsibility shall be to assist the Revenue Commissioner in carrying out the duties of this Act. The Chief Clerk herein provided shall be in addition to any other employees now or hereafter provided for said office and shall be in addition to the Chief Clerk now provided for said office.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

And said Bill, S.B. 8, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Goodwin	Parsons
Amari	deGraffenried	Hand	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedford	Dixon	Horn	Strong
Bedsale	Drinkard	Little	Teague
Bennett	Ellis		

—25

Nays:

—0

THE BILL:

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

was taken up.

Senator Strong offered the following amendment to the Bill, S.B. 13, to-wit:

AMENDMENT TO S.B. 13

Amend S.B. 13, page 1 immediately following Line 29 by inserting two new sections and renumbering the following section accordingly. The new sections to read as follows:

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	Corbett	Hand	Parsons
Amari	Denton	Holmes	Smith (B)
Barron	Dixon	Horn	Smith (J)
Bedford	Drinkard	Little	Strong
Bedsale	Ellis	Menton	Teague
Bennett	Foshee		

—25

Nays:

—0

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And said Bill, S.B. 13, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem	
Aldridge	Corbett	Hand	Parsons	
Amari	Denton	Holmes	Smith (B)	
Barron	Dixon	Horn	Smith (J)	
Bedford	Drinkard	Little	Strong	
Bedsole	Ellis	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Aldridge	Corbett	Holmes	Parsons	
Amari	Denton	Horn	Smith (B)	
Barron	Dixon	Langford	Smith (J)	
Bedford	Drinkard	Little	Strong	
Bedsole	Ellis	Menton	Teague	
Bennett	Foshee			—25

Nays: —0

THE BILL:

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Hand	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Ellis			—25

Nays: —0

THE BILL:

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Hand	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Horn	Smith (J)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Ellis			—25

Nays: —0

THE BILL:

S. 30. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Menton	
Aldridge	Corbett	Foshee	Mitchem	
Bailey	deGraffenried	Hand	Smith (J)	
Bedsole	Denton	Holmes	Strong	
Bennett	Dixon	Little	Teague	
Bishop				—20

Nays: —0

THE BILL:

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Hand	Parsons
Amari	deGraffenried	Hilliard	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedford	Dixon	Horn	Strong
Bedsole	Drinkard	Little	Teague
Bennett	Ellis		

—25

Nays: —0

THE BILL:

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton
Aldridge	Corbett	Hand	Parsons
Amari	deGraffenried	Hilliard	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedford	Dixon	Horn	Strong
Bedsole	Drinkard	Little	Teague
Bennett	Ellis		

—25

Nays: —0

THE BILL:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bennett	Dixon	Little	
Aldridge	Bishop	Drinkard	Menton	
Bailey	Cooley	Foshee	Parsons	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bedsole	Dial	Hand	Teague	—19

Nays: —0

RECESS

At 11:45 A.M., Senator Bishop moved that the Senate take a recess subject to the call of the Chair.

Senator Bedford offered a substitute motion that the Senate recess until 2 o'clock P.M., which motion was adopted.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 25. COMMENDING MR. JAMES PATTERSON, JUNIOR, OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Also:

S. R. 26. COMMENDING MR. C. E. (HANK) HAGLER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 27. COMMENDING MR. F. STAN MAHAFFEY OF OPELIKA, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

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Name	Address	District	Expiration of Term
O. H. Delchamps, Jr.	Mobile, AL	First	1988

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985.

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

Name	Address	District	Expiration of Term
Winton M. Blount	Montgomery, AL	Second	1989

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985.

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

Name	Address	District	Expiration of Term
Yetta G. Samford, Jr.	Opelika, AL	Third	1990

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

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Name	Address	District	Expiration of Term
Cleophus Thomas, Jr.	Anniston, AL	Third	1987

Sincerely,
WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

Name	Address	District	Expiration of Term
John T. Oliver	Jasper, AL	Fourth	1989

Sincerely,
WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

Name	Address	District	Expiration of Term
William H. Mitchell	Florence, AL	Fifth	1990

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

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Name	Address	District	Expiration of Term
Frank H. Bromberg, Jr.	Birmingham, AL	Sixth	1986

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

Name	Address	District	Expiration of Term
Thomas E. Rast	Birmingham, AL	Sixth	1989

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

January 11, 1985

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, or November 15, 1984:

Name	Address	District	Expiration of Term
Sandral Hullett	Eutaw, AL	Seventh	1989

Sincerely,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 11
day of January, 1985

Sarah B. Lawson,
Notary Public.

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J), Drake, Johnson (Roy), Coburn, Holley, Moore, Hammett, Junkins, Bugg, Smith, Brakefield, Box, Turner, Zoghby, Adams, White (L), Carter, Bowling, Coleman, Fuller, Sasser, Venable, Mathis, Beasley, Dutton, Goodwin, Richardson, Starkey, Browder, Kennedy, Buskey (James), Parker, Blake, Hooper, Mikell, Crow, Burke, Mitchell, Reed, Holmes, Tanner, Lauderdale, Starr, Carothers, Rogers, Albright, Grayson, Flowers, Cosby, White (F), Grouby, Faulk, Nicholson, Warren, Thomas, Lindsey, Preuitt, Hall, Clark (D), Trammell, Boles, Rice, Onderdonk, Turnham, Marietta, Harper, Black, McMillan, Penry, Blakeney, Melton, Hettinger, Martin, Rains, Poole, McDowell, Pratt, Perdue, and Davis:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of

Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 9—to the Committee on Buildings and Grounds

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 1. COMMENDING NASH NELSON ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

S. J. R. 3. CONGRATULATING JOE NAMATH, FORMER CRIMSON TIDE QUARTERBACK AND A 1985 INDUCTEE INTO THE PRO FOOTBALL HALL OF FAME.

Also:

S. J. R. 4. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE FOOD AND FIBER INDUSTRY.

Also:

S. J. R. 5. COMMENDING DOCTOR ANN THOMPSON, DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

S. J. R. 6. MOURNING THE DEATH OF CLARENCE ALBERT BROGDEN OF HEADLAND, ALABAMA.

Also:

S. J. R. 7. MOURNING THE DEATH OF ALEXANDER NUNN OF LOACHAPOKA, ALABAMA.

Also:

S. J. R. 19. ENDORSING THE PROCLAMATION OF JANUARY 1985 AS MEDICAL EYE MONTH.

Also:

S. J. R. 20. COMMENDING HEAD COACH KENNETH McKINNEY OF LAMAR COUNTY HIGH SCHOOL.

Also:

S. J. R. 21. COMMENDING WAQ, TV3, A COMMUNITY TELEVISION STATION.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 28. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Bill No.	Description	Page No.
SB 1	Alabama Trust Fund est. for Oil & Gas lease proceeds	12

On motion of Senator Bishop, the Resolution was adopted by the Senate.

Senator Smith (B) offered the following Senate Resolution, to-wit:

S. R. 29. CONGRATULATING TOM WOODALL OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS FORTIETH BIRTHDAY.

Which was adopted.

Senator Dial offered the following Senate Resolution, to-wit:

S. R. 30. COMMENDING THE UNITED STATES ARMED FORCES IN THE REPUBLIC OF KOREA.

Which was adopted.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust

fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Senators Dixon and Smith (J) offered the following amendment to the Bill, S. B. 1, to-wit:

AMENDMENT TO S. B. 1.

On page 4, line 29 after the word "fund" insert the following clause; to wit:

, including capital gains on the sale of securities,

Also on page 11, line 33 strike the word "and".

Also on page 12, line 7 after the word fund delete the "." (period) and insert in lieu thereof a ";" (semicolon), and add the following; to wit:

and (iv) any capital gains taken by the trustees, through its designate, on the sale of any securities.

Which was adopted.

Yeas 20; Nays 11.

Yeas:

Senators:	Dial	Hilliard	Mitchem
Barron	Dixon	Holmes	Sanders
Bedford	Ellis	Horn	Smith (B)
Bedsole	Figures	Langford	Smith (J)
Corbett	Hand	Little	Strong
deGraffenried			

—20

Nays:

Senators:	Bennett	Drinkard	Menton
Aldridge	Cooley	Foshee	Parsons
Bailey	Denton	Goodwin	Teague

—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Smith, Turner, Johnson (Roy), Browder, Clark (J), White (L), Brakefield, Campbell, Rice, Goodwin, Blakeney, Warren, Onderdonk, Moore, McMillan, Buskey (John), Blake, Mitchell, Carter, Fuller, Junkins, Richardson, Dutton, Adams, Coleman, Hooper, Grouby, Flowers, Burke, Beasley, Reed, Bowling, Parker, Carothers, Kennedy, White (F), Hall, Crow, Mikell, Preuitt, Tanner, Starr, Mathis, Lindsey, Thomas, Black, Penry, Lauderdale, Rains, Nicholson, Albright, Bugg, Grayson, Trammell, Coburn, Faulk, Poole, Cosby, Biddle, Harper, Venable, Spratt, and Zoghby:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission

to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 10—to the Committee on Finance and Taxation

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Holley, Smith, Turner, Johnson (Roy), Browder, Clark (J), White (L), Brakefield, Campbell, Rice, Moore, Goodwin, Onderdonk, Blakeney, Warren, McMillan, Buskey (John), Blake, Mitchell, Carter, Fuller, Junkins, Richardson, Dutton, Adams, Hooper, Coleman, Grouby, Mikell, Flowers, Burke, Beasley, White (F), Reed, Penry, Bowling, Parker, Carothers, Kennedy, Hall, Crow, Preuitt, Tanner, Starr, Mathis, Lindsey, Thomas, Black, Lauderdale, Rains, Nicholson, Albright, Bugg, Grayson, Trammell, Coburn, Faulk, Poole, Cosby, Biddle, Harper, Spratt, Zoghby, and Venable:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition

of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 11—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Coburn, Turner, McKee, Mitchell, Grouby, Starr, Johnson (Roy), Holmes, and Brakefield:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 5—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drake, Hooper, Coburn, Carothers, Campbell, Johnson (Roy), Moore, Onderdonk, Adams, Rogers, Reed, Melton, Rice, Flowers, Payne, Spratt, Bugg, Britnell, Hettinger, Clark (J), White (F), Cosby, Davis, Grayson,

Escott, Browder, Harvey, McMillan, Penry, Seibels, Trammell, Boles, Holley, Turner, Johnson (RG), Mitchell, Turnham, Smith, Blake, Thomas, Zoghby, Marietta, Box, Blakeney, Black, Coleman, Harper, Carter, Parker, Mathis, Martin, Sasser, Bachus, Clark (D), Richardson, White (L), Goodwin, McKee, Mikell, Grouby, Gaston, Kvalheim, Starr, Crow, Lauderdale, Burke, Starkey, Lindsey, Beasley, Holmes, Brakefield, and Warren:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Also:

By Reps. Mitchell, Brakefield, Melton, and Johnson (Roy) (With Notice and Proof):

H. 2. Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 2, as required by the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

John W. Pemberton,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 6—to the Committee on Finance and Taxation

H. B. 2—to the Committee on Local Legislation No. 1

(The above Bill, H. B. 6, was read a first time at length as required by the Constitution.)

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Senators Teague, Bishop, Foshee, Cooley, and Denton:

S. 51. To propose an act which will create four permanent trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas

and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds.

Committee on Buildings and Grounds.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Also:

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

CHARLES BISHOP,
Chairperson.

ADJOURNMENT

At 4 o'clock P.M., pending further consideration of S. B. 1, Senator Bishop moved that the Senate adjourn until Monday, January 28, 1985, at 4 o'clock P.M., which motion was adopted.

Yeas 23; Nays 6.

Yeas:

Senators:	Cooley	Figures	Langford	
Aldridge	Corbett	Foshee	Menton	
Bailey	deGraffenried	Hand	Sanders	
Bedsole	Denton	Hilliard	Smith (B)	
Bennett	Drinkard	Holmes	Strong	
Bishop	Ellis	Horn	Teague	—23

Nays:

Senators:	Bedford	Little	Smith (J)	
Barron	Goodwin	Mitchem		—6

FOURTH LEGISLATIVE DAY
MONDAY, JANUARY 28, 1985

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Joe Entsminger, Pastoral Care Minister, Evangel Temple, Montgomery, Alabama

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Margaret Ann Killian, Robert E. Lee High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Little
Aldridge	Corbett	Foshee	Menton
Amari	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hand	Parsons
Barron	Denton	Hilliard	Sanders
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis		

—33

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Cooley and Smith (B) for today.

RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. COMMENDING THE UNITED STATES ARMED FORCES IN THE REPUBLIC OF KOREA.

WHEREAS, the State of Alabama recognizes that our nation has important interests extending far beyond our shores; and

WHEREAS, more than three decades ago, the unconscionable aggression against the Republic of Korea threatened these interests and our hopes for peace in this part of the world; and

WHEREAS, the consequences of this act of aggression brought about our country's involvement in the security of the Republic of Korea through a firm and steadfast military commitment; and

WHEREAS, the presence of United States forces in the Republic of Korea, including the 8th U.S. Army, represents the strength of our commitment to a state of security for said republic; and

WHEREAS, our U. S. Forces, under the command of General William J. Livsey, are to be commended for their historic contributions in helping to serve the cause of universal peace in this part of the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby and herein express highest commendation of the United States Armed Forces in the Republic of Korea and direct that a copy of this resolution be personally conveyed and presented to General William J. Livsey, and that further a copy be dispatched forthwith to President Ronald Reagan, Commander-in-Chief of the United States Armed Forces.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

as amended, which said amendment is set out in the Journal of the Senate for the Third Legislative Day.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 1. COMMENDING NASH NELSON ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

S. J. R. 3. CONGRATULATING JOE NAMATH, FORMER CRIMSON TIDE QUARTERBACK AND A 1985 INDUCTEE INTO THE PRO FOOTBALL HALL OF FAME.

Also:

S. J. R. 4. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE FOOD AND FIBER INDUSTRY.

Also:

S. J. R. 5. COMMENDING DOCTOR ANN THOMPSON, DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

S. J. R. 6. MOURNING THE DEATH OF CLARENCE ALBERT BROGDEN OF HEADLAND, ALABAMA.

Also:

S. J. R. 7. MOURNING THE DEATH OF ALEXANDER NUNN OF LOACHAPOKA, ALABAMA.

Also:

S. J. R. 19. ENDORSING THE PROCLAMATION OF JANUARY 1985 AS MEDICAL EYE MONTH.

Also:

S. J. R. 20. COMMENDING HEAD COACH KENNETH McKINNEY OF LAMAR COUNTY HIGH SCHOOL.

Also:

S. J. R. 21. COMMENDING WAQ, TV3, A COMMUNITY TELEVISION STATION.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1 as amended.

Senator Bedsole offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

AMENDMENT TO S. B. 1

Amend Senate Bill 1 on page 12, line 24, after the period, by inserting the following:

"Assets which constitute trust capital of the Alabama Trust Fund shall not be pledged or encumbered."

REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (J), Drake, Johnson (Roy), Coburn, Holley, Moore, Hammett, Junkins, Bugg, Smith, Brakefield, Box, Turner, Zoghby, Adams, White (L), Carter, Bowling, Coleman, Fuller, Sasser, Venable, Mathis, Beasley, Dutton, Goodwin, Richardson, Starkey, Browder, Kennedy, Buskey (James), Parker, Blake, Hooper, Mikell, Crow, Burke, Mitchell, Reed, Holmes, Tanner, Lauderdale, Starr, Carothers, Rogers, Albright, Grayson, Flowers, Cosby, White (F), Grouby, Faulk, Nicholson, Warren, Thomas, Lindsey, Preuitt, Hall, Clark (D), Trammell, Boles, Rice, Onderdonk, Turnham, Marietta, Harper, Black, McMillian, Penry, Blakeney, Melton, Hettinger, Martin, Rains, Poole, McDowell, Pratt, Perdue, and Davis:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes for bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Melton (With Notice and Proof):

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

By Rep. Johnson (Roy):

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

By Reps. Britnell, Newman, and Lauderdale (With Notice and Proof):

H. 24. To extend, alter and rearrange the boundary lines and coporate limits of the Town of Hackleburg, in Marion County, Alabama.

By Reps. Richardson and Hall (With Notice and Proof):

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

By Reps. Blake and Junkins (With Notice and Proof):

H. 45. Relating to St. Clair County; to authorize the Board of Health

of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 24. To make a supplemental appropriation from the general fund in the state treasury to the office of the Secretary of State for the fiscal year ending September 30, 1985.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Coburn, Turner, McKee, Mitchell, Grouby, Starr, Johnson (Roy), Holmes, and Brakefield (With Amendments):

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Drake, Hooper, Coburn, Carothers, Campbell, Johnson (Roy), Moore, Onderdonk, Adams, Rogers, Reed, Melton, Rice, Flowers, Payne, Spratt, Bugg, Britnell, Hettinger, Clark (J), White (F), Cosby, Davis, Grayson, Escott, Browder, Harvey, McMillan, Penry, Seibels, Trammell, Boles, Holley, Turner, Johnson (R.G.), Mitchell, Turnham, Smith, Blake, Thomas, Zoghby, Marietta, Box, Blakeney, Black, Coleman, Harper, Carter, Parker, Mathis, Martin, Sasser, Bachus, Clark (D), Richardson, White (L), Goodwin, McKee, Mikell, Grouby, Gaston, Kvalheim, Starr, Crow, Lauderdale, Burke, Starkey, Lindsey, Beasley, Holmes, Brakefield, and Warren (With Amendment):

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer

the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

The above Bill was read a second time at length as required by the Constitution.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Holley, Smith, Turner, Johnson (Roy), Browder, Clark (J), White (L), Brakefield, Campbell, Rice, Goodwin, Blakeney, Warren, Onderdonk, Moore, McMillan, Buskey (John), Blake, Mitchell, Carter, Fuller, Junkins, Richardson, Dutton, Adams, Coleman, Hooper, Grouby, Flowers, Burke, Beasley, Reed, Bowling, Parker, Carothers, Kennedy, White (F), Hall, Crow, Mikell, Preuitt, Tanner, Starr, Mathis, Lindsey, Thomas, Black, Penry, Lauderdale, Rains, Nicholson, Albright, Bugg, Grayson, Trammell, Coburn, Faulk, Poole, Cosby, Biddle, Harper, Venable, Spratt, and Zoghby:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Holley, Smith, Turner, Johnson (Roy), Browder, Clark (J), White (L), Brakefield, Campbell, Rice, Moore, Goodwin, Onderdonk, Blakeney, Warren, McMillan, Buskey (John), Blake, Mitchell, Carter, Fuller, Junkins, Richardson, Dutton, Adams, Hooper, Coleman, Grouby, Mikell, Flowers, Burke, Beasley, White (F), Reed, Penry, Bowling, Parker, Carothers, Kennedy, Hall, Crow, Preuitt, Tanner, Starr, Mathis, Lindsey, Thomas, Black, Lauderdale, Rains, Nicholson, Albright, Bugg, Grayson, Trammell, Coburn, Faulk, Poole, Cosby, Biddle, Harper, Spratt, Zoghby, and Venable:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income

of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Teague, Bishop, Foshee, Cooley, and Denton:

S. 51. To propose an act which will create four permanent trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derive by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create board of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds.

FURTHER CONSIDERATION OF S.B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended. The question was on the amendment offered by Senator Bedsole.

RESOLUTION

Senator Teague offered the following Senate Resolution, to-wit:

S. R. 32. COMMENDING THE COUNTRY-POP GROUP, ALABAMA.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended. The question was on the amendment offered by Senator Bedsole.

On motion of Senator Teague, further consideration of the Bill, S. B. 1, as amended, and pending amendment, was postponed subject to the call of the Chair.

INTRODUCTION

Upon the call of districts, the bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Senators Mitchem, Barron, Little, Dixon, Bailey, Dial, and Bedford:

S. 52. To provide for an annual appropriation of \$3.00 per capita to the cities and incorporated municipalities and to the counties, to be divided

on a per capita basis between the cities and incorporated municipalities in each county and the county.

Committee on Finance and Taxation.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 33. COMMENDING MR. WILLIAM H. JOHNSTON, JUNIOR, OF BROWNSBORO, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 34. COMMENDING DR. HAROLD L. HONEYCUTT OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 35. COMMENDING WALTER HAMMER FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE CITY OF SCOTTSBORO, ALABAMA.

Which was adopted.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 19. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 4; Nays 2,

Yeas:

Senators:	Cabaniss	Hilliard	Horn	
Bennett				—4

Nays:

Senators:	Amari	Parsons		—2
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

THE BILL:

S. 18. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 4; Nays 2.

Yeas:

Senators:	Cabaniss	Hilliard	Horn	
Bennett				—4

Nays:

Senators:	Amari	Parsons		—2
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Coburn, Nicholson, Marietta, Onderdonk, and Bachus:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Also:

By Rep. Zoghby:

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitation for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 48 and 35—to the Committee on Finance and Taxation

ADJOURNMENT

At 5:22 P.M., on motion of Senator Teague, the Senate adjourned until Tuesday, January 29, 1985, at 11 o'clock A.M.

**FIFTH LEGISLATIVE DAY
TUESDAY, JANUARY 29, 1985**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Doctor Albert D. Perkins, III, Rector, St. John's Episcopal Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Denise L. Brown, Houston Hill Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Parsons
Bailey	deGraffenried	Hand	Sanders
Barron	Denton	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Drinkard	Langford	Teague
Bishop	Ellis	Little	

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senator Cooley for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Davis:

H. J. R. 26. CONGRATULATING MRS. LOUPHENIA THOMAS, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, UPON HER RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

By Rep. Davis:

H. J. R. 27. CONGRATULATING MR. JOHN BELL UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

By Rep. Davis:

H. J. R. 28. CONGRATULATING MR. RALPH GARREN UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 26, 27, and 28, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 22. COMMENDING CECIL BISHOP, PRESIDING BISHOP, TENTH EPISCOPAL DISTRICT OF THE AME ZION CHURCH.

Also:

By Reps. Buskey (John), Kennedy, Thomas, Black, Davis, Escott, Buskey (James), and Holmes:

H. J. R. 23. MOURNING THE DEATH OF CALLIE L. WARREN OF MONTGOMERY, ALABAMA.

Also:

By Reps. Buskey (John), Bryant, Junkins, Starr, Buskey (James), and Holmes:

H. J. R. 24. MOURNING THE DEATH OF ROSCOE ALEXANDER WILLIAMS OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 22, 23, and 24, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

BILLS ON THIRD READING

THE BILL:

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Menton
Aldridge	Cabaniss	Foshee	Mitchem
Bailey	Covington	Hand	Parsons
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Horn	Smith (J)
Bedsole	Dixon	Little	Teague
Bennett	Drinkard		

—25

Nays:

—0

THE BILL:

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

was read a third time at length and passed.

Yeas 16; Nays 0.

Yeas:

Senators:	Ellis	Hilliard	Menton
Aldridge	Foshee	Horn	Mitchem
Bailey	Goodwin	Langford	Smith (J)
Bedsole	Hand	Little	Teague
deGraffenried			

—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

THE BILL:

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Aldridge	Covington	Goodwin	Parsons
Barron	Denton	Hand	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Horn	Strong
Bennett	Ellis	Little	Teague
Cabaniss	Figures		

—25

Nays: —0

THE BILL:

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Aldridge	Covington	Hand	Parsons	
Bailey	Denton	Holmes	Smith (B)	
Barron	Dial	Horn	Smith (J)	
Bedsole	Dixon	Little	Strong	
Bennett	Drinkard	Menton	Teague	
Cabaniss	Ellis			—25

Nays: —0**THE BILL:**

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Menton	
Aldridge	Covington	Foshee	Mitchem	
Amari	Denton	Hand	Parsons	
Barron	Dial	Holmes	Smith (B)	
Bedford	Dixon	Horn	Smith (J)	
Bedsole	Drinkard	Little	Teague	
Bennett	Ellis			—25

Nays: —0**BILL RECONSIDERED**

On motion of Senator Hilliard, the Senate reconsidered the vote by which the Bill, S. B. 19, was passed.

And on motion of Senator Hilliard, further consideration of the Bill, S. B. 19, was postponed subject to the call of the Chair.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Barron, Little, Dixon, Bailey, Dial, and Bedford:

S. 52. To provide for an annual appropriation of \$3.00 per capita to the cities and incorporated municipalities and to the counties, to be divided on a per capita basis between the cities and incorporated municipalities in each county and the county.

By Rep. Zoghby:

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

By Reps. Holley, Coburn, Nicholson, Marietta, Onderdonk, and Bachus:

H. 48. To amend Section 40-12-49, Code of Alabama, relating to license tax levied on attorneys, so as to increase the amount of said tax.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 36. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Bill No.	Description	Page No.
H. B. 6.	AL Trust Fund estab. for oil and gas proceeds, allocation of interest income reg., consti. amend	18

On motion of Senator Bishop, the Resolution was adopted by the Senate.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 37. COMMENDING ROBERT M. GUILLOT OF FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 38. COMMENDING DR. RICHARD EDWIN RICE OF HUNTSVILLE, ALABAMA, FOR MEDICAL ACHIEVEMENTS.

Also:

S. R. 39. COMMENDING MR. NATHANIEL E. GRIFFIN OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe

the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 6, to-wit:

AMENDMENT TO H. B. 6

On page 13 beginning on line 33, delete in its entirety the sentence which reads as follows: to wit:

“The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall in the exercise of its sole and uncontrolled judgment determine to be in the best interest of the state, and in determining such schedule the board may emphasize future benefits in preference to near term ends.”

Senator Bishop offered the following substitute for the committee amendment to the Bill, H. B. 6, to-wit:

SUBSTITUTE FOR COMMITTEE AMENDMENT TO H. B. 6

A BILL TO BE ENTITLED AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create two permanent trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

“Section 1. As used in this amendment, the following words and phrases shall have the following respective meanings:

“ ‘Board’ means the board of trustees of a trust fund.

“ ‘Eligible Investments’ means any of the following:

“(1) Demand deposits (interest bearing) in federally insured banks and interest bearing deposits (whether or not evidenced by certificates of deposit) in federally insured banks; provided, however, that said deposits plus interest

shall be fully secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Deposit Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation;

“(2) Bonds, notes and other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America;

“(3) Bonds, debentures, notes or other evidences of indebtedness issued or guaranteed by any federal agencies or federally-sponsored enterprises authorized to issue their own debt instruments, including, without limitation to, the following: Federal Farm Credit Bank, Federal Intermediate Credit Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, Federal Banks for Cooperatives, Federal Home Loan Banks, Federal Home and Loan Mortgage Association or the Farmers Home Administration;

“(4) Repurchase agreements with federally insured banks or with government bond dealers reporting to and trading with the Federal Reserve Bank of New York, provided that such repurchase agreements are secured by obligations described in subdivisions (2) and (3) of this definition; and

“(5) Interest bearing time deposits (whether or not evidenced by certificates of deposit) in savings and loan associations (a) the deposits of which are insured to the maximum extent possible by the Federal Savings and Loan Insurance Corporation or any agency of the United States of America that may succeed to its functions and (b) the principal office of which is located in the state; provided, however, that said deposits plus interest shall be secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Savings and Loan Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Savings and Loan Insurance Corporation.

“‘Federally insured bank’ means any bank which has its principal office located in Alabama, whether organized under the laws of the United States of America or the laws of this state, and which is a member of the Federal Deposit Insurance Corporation or which obtains deposit insurance to the maximum extent possible from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

“‘Fiscal year’ means the fiscal year of the state as may from time to time be provided by law.

“‘Oil and gas capital payment’ means any payment received after August 1, 1984, by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or by any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue received by the state from federal oil and gas leases off the coast of Alabama. Any royalty payment shall not be considered an oil and gas capital payment.

“‘Royalty payment’ means any royalty or other payment received after August 1, 1984, by the state or any agency or instrumentality thereof that is based upon or determined with respect to, the production of oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other area off the coast of Alabama.

“‘State’ means the State of Alabama.

“‘Trust capital’ means all assets of a trust fund other than the trust income thereof.

“‘Trust fund’ means ‘The Alabama Trust Fund’, and ‘The Alabama Local Government Capital Improvement Trust Fund’, as the case may be, created by this amendment.

“‘Trust income’ means the net income received by a trust fund, subsequent to the transfer of the initial trust capital thereof by the State Treasurer to a board, from the investment and reinvestment of all assets of a trust fund, determined in accordance with the provisions of this amendment.

“‘Trustee’ means a member of the board of trustees of a trust fund.

“Section 2. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named ‘The Alabama Trust Fund’ which shall be funded and administered in accordance with the provisions of this amendment.

“(a) The Alabama Trust Fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of that trust fund shall be vested solely in its board. Its board shall have a membership of ten trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), three trustees appointed by the governor, three trustees appointed by the lieutenant governor, and one trustee appointed by the speaker of the house of representatives. The governor, the state treasurer and the director of finance shall each serve as a trustee ex officio, and the service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. As promptly as practicable after the effective date of this amendment, the other trustees shall be appointed for the following initial terms: The trustees to be appointed by the governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the first, second and third calendar years, respectively, next following the calendar year in which this amendment shall become effective; the trustees to be appointed by the lieutenant governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the fourth, fifth and sixth calendar years, respectively, next following the calendar year in which this amendment shall become effective; and the trustee to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1 in the seventh calendar year next following the calendar year in which this amendment shall become effective. Thereafter, the term of office of each appointed trustee shall be four years, commencing at noon on the October 1 on which the term of the immediate predecessor trustee shall end. One appointed trustee shall reside in each of the state’s seven congressional districts. The appointing authorities shall agree as to from which congressional districts their respective trustee appointments shall be made but if they

cannot agree the appointments shall be made in the following manner. The governor shall have the first, fourth and sixth choices as to the congressional districts in which his appointed trustees shall reside. The lieutenant governor shall have the second, fifth and seventh choices as to the congressional districts in which his appointed trustees shall reside. The speaker of the house of representatives shall have the third choice as to the congressional district in which his appointed trustee shall reside.

“(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full four-year term or to complete an unexpired term, shall be made by the same officer of the state who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each appointed trustee shall hold office from the effective date of his or her appointment by and with the consent of the Senate and shall hold office until his or her successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) At the beginning of each session of the legislature the governor shall certify to the senate for confirmation the names of all who shall have been appointed as trustees since the commencement of the last session of the legislature.

“(d) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy in the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state, subject to said Section 174 or successor provision thereof. The governor, the state treasurer and the director of finance may not be impeached and removed from office as a trustee apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as trustees.

“(e) The governor, the state treasurer and the director of finance shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as governor, state treasurer and director of finance. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(f) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the

voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(g) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(h) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided,

however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(i) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“(j) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to the sum of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to four percent (4%) of all revenues, including royalty, bonus and rentals derived to the state pursuant to the sealed bids awarded on August 14, 1984, which sum shall be carried in the state treasury to the credit of the state lands fund.

“(k) Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which, in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that have been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(l) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) all proceeds of any

oil and gas capital payments and royalty payments as defined in this amendment subsequent to August 14, 1984 which are not otherwise allocated in this amendment; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to one percent (1%) of all proceeds of any such oil and gas capital payments and royalty payments which sums shall be carried in the state treasury to the credit of the state lands fund. In addition, within ninety (90) days after September 1, 2001, the Board of Trustees of The Alabama Heritage Trust Fund shall transfer the trust capital of The Alabama Heritage Trust Fund to The Alabama Trust Fund and shall transfer the trust income of The Alabama Heritage Trust Fund to the state general fund. The trust capital received by The Alabama Trust Fund from The Alabama Heritage Trust Fund shall thereafter be trust capital of The Alabama Trust Fund. The Alabama Heritage Trust Fund, the Board of Trustees of The Alabama Heritage Trust Fund, and all other aspects of The Alabama Heritage Trust Fund shall terminate and dissolve ninety (90) days after September 1, 2001. Provided, however, beginning with state fiscal year 1989-90, one percent of the income from The Alabama Trust Fund shall be reinvested in The Alabama Trust Fund; two percent of such income shall be reinvested in the following year; and one additional percent of such income each subsequent year shall be reinvested until a total of ten percent of such income from The Alabama Trust Fund each year shall be reinvested in The Alabama Trust Fund.

“(m) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom and all royalty payments not otherwise allocated in this amendment shall be paid directly into the general fund as it is received by the board, subject to appropriation and withdrawal by the legislature.

“(n) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions, shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof, shall bear such dates and be in such form, denominations and series, shall mature or be subject to mandatory redemption on such dates, shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom), shall be unsecured or

secured in such manner and subject to the provisions of Section 1, paragraphs 2 and 3; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor, and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the beneficiary of the trust, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(o) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safe-keeping of securities evidencing investments.

“(p) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent accounting firm, and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund, showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“(q) An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

“Section 3. All royalty payments shall be paid over or credited by the State Treasurer, as received, as follows:

(a) All allocations provided under Section 2, paragraphs (j) and (l) of this amendment shall be made; and

(b) All provisions of this amendment to the contrary notwithstanding, twenty percent (20%) of the royalty payments as defined in this amendment shall be paid over to the Alabama Local Government Capital Improvement Trust Fund.

"Section 4. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named "The Alabama Local Government Capital Improvement Trust Fund" which shall be funded and administered in accordance with the provisions of this amendment.

(a) This trust fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in its board. The board shall have a membership of seven trustees consisting of one trustee appointed by the governor, one trustee appointed by the lieutenant governor, one trustee appointed by the speaker of the house of representatives, two trustees appointed by the governing body of the Association of County Commissions of Alabama, and two trustees appointed by the governing body of the Alabama League of Municipalities. As promptly as practicable after the effective date of this amendment, the trustees shall be appointed as stated above for the following initial terms: The trustee to be appointed by the governor shall be appointed for a term beginning immediately upon his appointment and ending at noon on October 1 in the third calendar year next following the calendar year in which this amendment shall become effective; the trustee to be appointed by the lieutenant governor shall be appointed for a term beginning immediately upon his appointment and ending at noon on October 1 in the fourth calendar year next following the calendar year in which this amendment shall become effective; the trustee to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his appointment and ending at noon on October 1 in the fifth calendar year next following the calendar year in which this amendment shall become effective, and the other trustees shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the fifth calendar year next following the calendar year in which this amendment becomes effective. Thereafter, the term of office of each trustee shall be six years, commencing at noon on the October 1 on which the term of the immediate predecessor trustee shall end.

"(b) If at any time there shall be a vacancy among the trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each trustee (other than those initially appointed), whether for a full six-year term or to complete an unexpired term, shall be made by the same officer of the State or governing body of the public group who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each trustee shall hold office from the effective date of his appointment and shall hold office until his successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

"(c) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right

of a quorum to exercise all of the powers and duties of the board. The board shall elect from its members a chairman and presiding officer of the board, a vice chairman and a secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the chairman acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the State Treasurer.

“(d) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, any moneys in an amount equal to twenty percent (20%) of all proceeds of any royalty payments received by the state pursuant to the sealed bids opened on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975.

“(e) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) twenty percent (20%) of all proceeds of royalty payments; and (iv) ten percent (10%) of all trust income.

“(f) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be paid as provided in paragraph (g) of this section of this amendment.

“(g) The trust income shall be credited or disbursed as follows:

Ten percent (10%) shall be added to the trust capital; and the remaining ninety percent (90%) shall be divided into two equal portions. One portion shall be paid on September 1 to the counties of the state and the remaining portion shall be paid on that date to the incorporated municipalities of the state as shall be provided by the legislature.

(1) The portion of trust income to be allocated to counties shall only be used by counties for the following purposes:

(A) public buildings; counties may expend such funds for the construction, furnishing, equipping and renovation of public buildings including, without limitation, jails, courthouses and courthouse annexes, and juvenile facilities,

and paying rentals to public corporations for the use of public buildings. Such funds may also be expended for the purpose of purchasing land for public buildings.

(B) solid waste; counties may expend such funds for the purchase of land for sanitary landfills, the purchase of solid waste handling and disposal equipment including collection vehicles and landfill compaction equipment, and other solid waste handling and disposal equipment and/or facilities.

(C) public utilities; counties may expend such funds for public water and waste water treatment facilities and drainage facilities. Such expenditures may include the purchase of land and rights-of-way, and the purchase of equipment and supplies necessary for the installation and maintenance of such public facilities.

(D) roads and bridges; up to 50 percent of the funds received by counties may be expended for the construction, maintenance, reconstruction, restoration or resurfacing of county roads and bridges.

(E) bonds and warrants; counties may expend such funds for the payment of any valid obligation of a county that is evidenced by bonds, notes, warrants or other instruments now or hereafter authorized by law to be issued for any of the purposes enumerated in clauses (A), (B), (C), and (D) of this paragraph.

(2) The portion of trust income to be paid to incorporated municipalities shall be allocated annually as shall be provided by the legislature. Each municipality shall upon receipt of its share deposit same in a special account and shall not commingle such funds with other revenues of the municipality. The share of each municipality shall be expended solely for capital improvements determined by the municipal governing body, and the municipality shall match the share, dollar for dollar, with other municipal funds available, for capital improvement purposes. The governing body of each municipality may use such share, plus its matching funds, to finance bond and warrant issues for capital improvements and may pledge such share, along with its matching funds, to retire the principal and interest of such bonds or warrants.

(h) In addition to the stated provisions of this Section 4, the provisions of paragraphs (d), (e), (g), (h), (i), (k), (n), (o), (p) and (q) of Section 2 of this amendment shall also apply to the trust fund referred to in this Section 4.

"Section 5. This amendment shall be self-executing, but the legislature shall have the right and power to enact laws supplemental to this amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this amendment."

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment is ordered to be held on the second Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day

appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of the proposed amendment shall be effective immediately upon ratification by the people and proclamation by the Governor as required by law.

Senator Goodwin moved that said substitute be laid on the table, which motion was lost.

Yeas 14; Nays 19.

Yeas:

Senators:	Bennett	Ellis	Little	
Bailey	Cabaniss	Goodwin	Mitchem	
Barron	deGraffenried	Hand	Parsons	
Bedford	Dial	Holmes		— 14

Nays:

Senators:	Corbett	Figures	Sanders	
Aldridge	Covington	Foshee	Smith (B)	
Amari	Denton	Hilliard	Smith (J)	
Bedsole	Dixon	Horn	Strong	
Bishop	Drinkard	Langford	Teague	— 19

And said substitute was then adopted.

Yeas 16; Nays 14.

Yeas:

Senators:	Corbett	Figures	Smith (B)	
Aldridge	Covington	Foshee	Smith (J)	
Amari	Denton	Horn	Strong	
Bedsole	Drinkard	Langford	Teague	
Bishop				— 16

Nays:

Senators:	Cabaniss	Ellis	Little	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedford	Dial	Hand	Parsons	
Bennett	Dixon	Holmes		— 14

And said committee amendment, as amended by the Bishop substitute, was then adopted.

Yeas 18; Nays 16.

Yeas:

Senators:	Corbett	Foshee	Smith (B)	
Aldridge	Covington	Hilliard	Smith (J)	
Amari	Denton	Horn	Strong	
Bedsole	Drinkard	Langford	Teague	
Bishop	Figures	Sanders		— 18

Nays:

Senators:	Cabaniss	Ellis	Little	
Bailey	deGraffenried	Goodwin	Menton	
Barron	Dial	Hand	Mitchem	
Bedford	Dixon	Holmes	Parsons	
Bennett				— 16

Senator Cabaniss offered the following amendment to the committee

amendment, as amended by the Bishop substitute, to the Bill, H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, on Page 22, Line 24, by striking out the following words "including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Ala. 1975."

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hand	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bedsole	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Horn	Strong	
Cabanniss	Ellis	Langford	Teague	
Corbett	Figures	Little		—30

Nays: —0

Senator Little offered the following amendment to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, on page 4, line 8, by deleting the "." and inserting as follows:

;and

(6) the following general obligations of any Qualified Corporation:

(i) bonds, debentures, notes and other evidence of indebtedness (excluding commercial paper), whether secured or unsecured, which shall mature or be subject to mandatory redemption not more than twenty-five (25) years after the date of the acquisition thereof by the Trust Fund and which shall be rated not less than one of the two highest ratings given to obligations of that kind by at least one nationally recognized debt rating agency then in existence; provided that the lack of such a rating shall not disqualify an obligation as an Eligible Investment if there is no nationally recognized debt rating agency in existence at the time of the acquisition of such obligation by the Trust Fund; and provided further that the aggregate principal amount of all general obligations, as above listed, of any one Qualified Corporation at any time held by the Trust Fund shall not exceed ten percent (10%) of the total Trust Capital.

(ii) For purposes of this amendment, "Qualified Corporation" means any corporation, whether organized under the laws of the United States of America or of any state thereof or the laws of any foreign country, which is required to file periodic reports with the Securities and Exchange Commission (or any successor agency of the United States of America) pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, or successor provision

of federal law, and which, as of the time of the determination of its status as a Qualified Corporation pursuant to this amendment, has a net worth or shareholders' equity of not less than \$250,000,000 according to the audited financial statements thereof most recently filed with the Securities and Exchange Commission; provided, however, the legislature may from time to time, by general law, increase the minimum amount of net worth or shareholders' equity in said Qualified Corporation.

Senators Smith (J) and Dixon offered the following substitute amendment, for the Little amendment, to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

**SUBSTITUTE AMENDMENT FOR LITTLE AMENDMENT TO
COMMITTEE AMENDMENT, AS AMENDED, TO H. B. 6**

Amend Little amendment to committee amendment, as amended, as follows:

On page 4, line 9, insert the following subdivision "6" to read as follows, to-wit:

"Corporate securities, provided, however, all fixed income securities not included in subdivision (3) of this definition shall at the time of purchase carry a rating of 'A' or better by Moody's and/or Standard & Poors; provided, however, that if neither Moody's nor Standard and Poors is in existence or ceases to issue bond ratings, then, in that event, otherwise eligible corporate securities must carry one of the three highest grade or quality ratings issued by the securities rating firm that, in the opinion of the Board, is recognized as the most reputable."

Senator Little moved that said substitute amendment be laid on the table, which motion was lost.

Yeas 7; Nays 22.

Yeas:

Senators:	Bennett	Drinkard	Goodwin	
Bedsole	Dial	Ellis	Little	—7

Nays:

Senators:	Corbett	Hand	Sanders	
Aldridge	Covington	Hilliard	Smith (B)	
Bailey	deGraffenried	Holmes	Smith (J)	
Barron	Denton	Horn	Strong	
Bishop	Dixon	Langford	Teague	
Cabaniss	Foshee	Menton		—22

And said substitute amendment was then adopted.

And said Little amendment, as thus amended by the substitute amendment, was then adopted.

Yeas 19; Nays 8.

Yeas:

Senators:	Cabaniss	Hilliard	Parsons	
Aldridge	deGraffenried	Horn	Smith (B)	
Bailey	Dixon	Langford	Smith (J)	
Barron	Goodwin	Menton	Strong	
Bishop	Hand	Mitchem	Teague	—19

Nays:

Senators:	Corbett	Dial	Ellis	
Bedsole	Denton	Drinkard	Little	
Bennett				—8

Senator Dixon offered the following amendment to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, as follows:

On page 5, line 10 after the word "fund" insert the following clause; to wit:

, including capital gains on the sale of interest bearing securities,

Also on page 11, line 33 strike the word "and".

Also on page 14, line 23 after the word fund delete the "." (period) and insert in lieu thereof a ";" (semicolon), and add the following; to wit:

and (iv) any capital gains taken by the trustees, through its designate, on the sale of any interest bearing securities.

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Little	
Barron	Denton	Goodwin	Menton	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Hilliard	Smith (J)	
Cabaniss	Drinkard	Holmes	Strong	
Corbett	Ellis	Langford	Teague	
Covington				—24

Nay: Senator Bailey

—1

Senator Little offered the following amendment No. 2 to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, as follows:

On page 17 beginning on line 5 delete in its entirety the sentence which reads as follows; to wit:

"The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such

schedule as the board shall, in the exercise of its sole and uncontrolled judgement, determine to be in the best interest of the beneficiary of the trust, and in determining such schedule the board may emphasize future benefits in preference to near-term needs."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford	
Bailey	Corbett	Foshee	Little	
Barron	Denton	Hand	Menton	
Bedford	Dial	Hilliard	Smith (J)	
Bedsole	Dixon	Holmes	Teague	—19

Nays: —0

Senator Teague offered the following amendment to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, as follows:

On page 1 by deleting lines 27 through 34 and on page 2 by deleting lines 1 through 4 and inserting in lieu there the following:

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create two permanent trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001; to create and provide for the Alabama Agricultural and Conservation Development Commission; and to validate companion legislation with respect to each Commission.

Further amend the bill on page 15, line 18, by inserting the following new sections and renumbering sections 6 and 7 so that they become 8 and 9:

"Section 6. There is hereby created and established, without any further action, a public corporation named Alabama Agricultural and Conservation Development Commission (herein called the "Commission"), which is charged with the responsibility of improving soil and water conservation and forestry practices within the State. In order to further the carrying out of that responsibility the Legislature may appropriate moneys to the Commission for the purpose of meeting the expenses of the Commission and to allow the Commission to share, through a cost-sharing award or grant program, the costs of soil conservation projects and practices, water quality improvements, reforestation projects and improved forestry practices on or with respect to agricultural or timber lands in the State owned or operated by individuals or other types of persons specified by the Legislature, Sections

93 and 94 of this Constitution, as amended, to the contrary notwithstanding. In any law enacted by the Legislature respecting soil and water conservation cost-sharing grants as contemplated hereby, the Legislature may provide for the organization, members, officers, directors and powers of the Commission and for the receipt, withdrawal, disbursement and expenditure by the Commission of any appropriated moneys and other funds received by the Commission to fund its expenses and cost-sharing programs. The Legislature shall provide that the Commission shall consist of such citizens of the State as may be designated by law by the Legislature, provided that the Legislature may designate as ex-officio members of the Commission persons who are holders of other public offices or officers of such private organizations and associations as the Legislature may designate that are interested in agricultural or timber property and soil and water conservation practices related thereto. Moneys appropriated to the Commission for cost-sharing grants to be made pursuant to criteria provided by the Legislature or promulgated by the Commission pursuant to legislative delegation of the power so to do, shall be invested by the Commission at its direction, or retained in the State Treasury as the Commission shall determine, until expended at the direction of the Commission, provided that none of such appropriated moneys shall revert to the fund or funds from which they were appropriated in the event such moneys remain undisbursed or unencumbered on the last day of the fiscal year in which they were appropriated to the Commission, but rather shall remain available for disbursement by the Commission in its programs in subsequent fiscal years.

"Section 7. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named 'The Alabama Soil, Water and Reforestation Trust Fund' which shall be funded and administered in accordance with the provisions of this amendment.

"(a) This trust fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in its board. Its board shall have a membership of five trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), the Commissioner of Agriculture and Industries, and the Chairman of the Soil and Water Conservation Committee. The service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. Any ex officio trustee may by written notice to the board appoint a trustee to serve in his or her stead, whose term of office shall be concurrent with the term of office of the public official who appointed him or her.

"(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full term or to complete an unexpired term, shall be made by the same officer of the state who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

"(c) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of

the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy of the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state, subject to said Section 174 or successor provision thereof. No ex-officio trustee may be impeached and removed from office as trustee apart from his impeachment and removal from the respective office by virtue of which, ex officio, he serves as trustee.

“(d) All ex-officio trustees shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as officers of the state. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(e) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(f) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought

before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(g) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(h) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“(i) All provisions of this amendment to the contrary notwithstanding, there shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to ten percent (10%) of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975.

“(j) Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or

other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(k) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) ten percent (10%) all proceeds of any oil and gas capital payments; and (iv) ten percent (10%) of all trust income.

“(1) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be credited as follows: ten percent (10%) shall be added to the trust capital, and ninety percent (90%) shall be paid over to the Commission for use for any of its corporate purposes.

“(m) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation

thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or secured in such manner; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(n) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safe keeping of securities evidencing investments.

“(o) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent accounting firm, and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund, showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“(p) An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

“(q) The act of the Legislature with respect to the Commission which was proposed by House Bill 11 or Senate Bill 21 of the Special Session of the Legislature which convened on January 22, 1985, is hereby approved

and confirmed as in compliance with and satisfying the requirements of the Constitution of Alabama, including this amendment.

Which was adopted.

Yeas 20; Nays 3.

Yeas:

Senators:	Dial	Goodwin	Sanders	
Bailey	Drinkard	Holmes	Smith (B)	
Bedford	Ellis	Langford	Smith (J)	
Bennett	Figures	Menton	Strong	
Bishop	Foshee	Parsons	Teague	
Corbett				—20

Nays:

Senators:	Cabaniss	deGraffenried	Dixon	—3
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Senator Teague then offered the following amendment No. 2 to the committee amendment, as amended by the Bishop substitute, as amended, to H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, as follows:

On page 1 by deleting lines 27 through 34 and on page 2 by deleting lines 1 through 4 and inserting in lieu thereof the following:

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create two trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Further amend the bill on page 10, line 25, by deleting the semi-colon and inserting in lieu thereof a period and by deleting lines 26 through 32.

Further amend the bill on page 15, line 18, by inserting the following new sections and renumbering sections 6 and 7 so that they become 8 and 9:

“Section 6. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named ‘The Alabama Department of Conservation Trust Fund’ which shall be funded and administered in accordance with the provisions of this amendment.

“Section 7. The Alabama Department of Conservation Trust Fund. (a) This trust fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in its board. Its board shall have a membership of five trustees consisting of the governor, the state treasurer,

the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), the Commissioner of Conservation and Natural Resources and the chairman of the Advisory Board of Conservation and Natural Resources. The aforesaid trustees shall each serve as a trustee ex officio, and the service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. Any of the aforesaid trustees may by written notice to the board designate a trustee to serve in his or her stead, who shall hold office for the term of office of the official who appointed him or her.

“(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full term or to complete an unexpired term, shall be made by the same officer who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each appointed trustee shall hold office from the effective date of his or her appointment. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy of the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state, subject to said Section 174 or successor provision thereof. The governor, the state treasurer and the director of finance may not be impeached and removed from office as a trustee apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as trustees.

“(d) The governor, the state treasurer and the director of finance shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as governor, state treasurer and director of finance. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(e) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve

as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

"(f) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

"(g) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

"(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

"(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

"(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

"(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the

legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(h) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“(i) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to ten percent (10%) of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975.

“(f) Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which, in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(k) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) ten percent (10%) of all proceeds of any oil and gas capital payments; and (iv) ten percent (10%) of all trust income.

“(1) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived

therefrom shall be paid credited as follows: ten percent (10%) shall be added to the trust capital, and ninety percent (90%) shall be credited to the Department of Conservation and Natural Resources, subject to appropriation and withdrawal by the legislature for purposes for which the Department was created.

“(m) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or secured in such manner; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(c) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safe keeping of securities evidencing investments.

“(o) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent accounting firm, and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund, showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“(p) An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

Which was adopted.

Yeas 26; Nays 2.

Yeas:

Senators:	deGraffenried	Goodwin	Parsons
Aldridge	Denton	Hand	Sanders
Bailey	Dial	Hilliard	Smith (B)
Bedford	Drinkard	Holmes	Smith (J)
Bennett	Ellis	Horn	Strong
Bishop	Figures	Langford	Teague
Corbett	Foshee	Menton	

—26

Nays:

Senators:	Cabaniss	Dixon
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—2

Senator Teague then offered the following amendment No. 3 to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT, AS AMENDED, TO H. B. 6

Amend committee amendment, as amended, as follows:

On page 4 on Line 8, by inserting after the word “corporation” the following:

“(6) No investment shall be made in any firm incorporated under the laws of, or with its principal office located in, or which derives more than fifty percent (50%) of its gross income from, the Union of South Africa, or in any securities issued or guaranteed by the Union of South Africa.

Which was adopted.

Yeas 24; Nays 3.

Yeas:

Senators:	Bishop	Hand	Menton
Aldridge	Corbett	Hilliard	Mitchem
Bailey	Denton	Holmes	Sanders
Barron	Drinkard	Horn	Smith (B)
Bedford	Figures	Langford	Smith (J)
Bedsole	Foshee	Little	Teague
Bennett			

—24

Nays:

Senators:	Cabaniss	Dixon	Ellis	—3
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Senator Drinkard offered the following amendment to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

**AMENDMENT TO COMMITTEE AMENDMENT,
AS AMENDED, TO H. B. 6**

Amend committee amendment, as amended, as follows:

On Page 2, Line 25, by inserting after the word (3) the words "and (6)".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Hilliard	Menton
Aldridge	Drinkard	Holmes	Sanders
Bailey	Ellis	Horn	Smith (B)
Bedford	Goodwin	Langford	Smith (J)
Cabaniss	Hand	Little	Teague

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 16. GIVING LEGISLATIVE APPROVAL TO THE ADMISSION OF THE STATE OF OKLAHOMA INTO THE SOUTHERN REGIONAL EDUCATIONAL COMPACT ORIGINALLY ENTERED INTO BY THE STATE OF ALABAMA AND OTHER SOUTHERN STATES ON FEBRUARY 8, 1948.

Also:

H. J. R. 17. COMMENDING THE MONTEVALLO HIGH SCHOOL BULLDOGS FOOTBALL TEAM ON AN OUTSTANDING SEASON.

Also:

H. J. R. 18. COMMENDING THE CALERA HIGH SCHOOL EAGLES FOOTBALL TEAM.

Also:

H. J. R. 19. COMMENDING THE SHELBY COUNTY WILDCATS FOOTBALL TEAM.

Also:

H. J. R. 20. COMMENDING THE COOSA VALLEY ACADEMY, A.P.S.A. 2A REGIONAL AND STATE FOOTBALL CHAMPIONS.

Also:

H. J. R. 21. CONGRATULATING AND COMMENDING THE CHEROKEE COUNTY HIGH SCHOOL WARRIORS ON THEIR OUTSTANDING 1984 FOOTBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county

as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Also:

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Also:

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

Also:

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

Also:

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

Also:

H. J. R. 22. COMMENDING CECIL BISHOP, PRESIDING BISHOP, TENTH EPISCOPAL DISTRICT OF THE AME ZION CHURCH.

Also:

H. J. R. 23. MOURNING THE DEATH OF CALLIE L. WARREN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 24. MOURNING THE DEATH OF ROSCOE ALEXANDER WILLIAMS OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 26. CONGRATULATING MRS. LOUPHENIA THOMAS, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, UPON HER RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 27. CONGRATULATING MR. JOHN BELL UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 28. CONGRATULATING MR. RALPH GARREN UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 6

The Senate proceeded to further consideration of the Bill, H. B. 6, as amended by the committee amendment, as amended by the Bishop substitute, as amended.

Senator Barron offered the following amendment to the committee amendment, as amended by the Bishop substitute, as amended, to the Bill, H. B. 6, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT, AS AMENDED, TO H. B. 6

Amend committee amendment, as amended, as follows:

On page 22, lines 21 and 22, by striking out the phrase "twenty percent (20%)" after the word "to" on line 21 and by striking the phrase "twenty percent (20%)" on line 32; and by inserting in lieu thereof the following, respectively:

"thirty percent (30%)".

Further amend H. B. 6 as substituted on page 17, line 12 by striking the phrase "twenty percent (20%)", and by inserting in lieu thereof

"thirty percent (30%)".

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Also:

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in

compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

Also:

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Also:

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

Also:

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Also:

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

Also:

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Also:

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

Also:

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Also:

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

Also:

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 6

The Senate proceeded to further consideration of the Bill, H. B. 6, as amended by the committee amendment, as amended by the Bishop substitute, as amended.

The question was on the amendment offered by Senator Barron.

And said amendment was laid on the table.

Yeas 21; Nays 9.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Aldridge	Corbett	Foshee	Little	
Amari	Covington	Hilliard	Sanders	
Bedsole	deGraffenried	Holmes	Smith (B)	
Bennett	Denton	Horn	Teague	
Bishop	Drinkard			—21

Nays:

Senators:	Bedford	Ellis	Hand	
Bailey	Dial	Goodwin	Mitchem	
Barron	Dixon			—9

And said Bill, H. B. 6, as amended by the committee amendment, as

amended by the Bishop substitute, as amended, was read a third time at length as required by the Constitution, and passed.

Yeas 30; Nays 2.

Yeas:

Senators:	Bishop	Figures	Mitchem	
Aldridge	Corbett	Foshee	Parsons	
Amari	Covington	Hand	Sanders	
Bailey	deGraffenried	Hilliard	Smith (B)	
Barron	Denton	Holmes	Smith (J)	
Bedford	Dial	Horn	Strong	
Bedsole	Drinkard	Langford	Teague	
Bennett	Ellis	Little		—30

Nays:

Senators:	Cabaniss	Dixon	—2
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RESOLUTIONS

Senators Cabaniss, Horn, Bennett, Hilliard, Amari, Aldridge, Bailey, Barron, Bedford, Bedsole, Bishop, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Holmes, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. MOURNING THE DEATH OF W. H. "BILL" METZ OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep sadness and regret, records the death of W. H. "Bill" Metz of Birmingham, Alabama, on January 28, 1985, at the age of 69 years; and

WHEREAS, a native of LeFeria, Texas, Mr. Metz attended Indiana University and was a United States Army veteran of World War II; he retired in 1982 following an association of some 47 years with Scripps-Howard, including a prestigious tenure of 23 years with the Birmingham Post-Herald; and

WHEREAS, Mr. Metz, former vice-president and publisher of the Post-Herald, contributed greatly to the improvement and progress of his newspaper; it is to be noted, however, that he further directed his considerable energies and talent to the progress and well-being of the Birmingham community; and

WHEREAS, Mr. Metz numbered, among many involvements, service as director of the Birmingham Girls Club, co-chairman of the 1963 United Appeal campaign, member of the board of directors of Operation New Birmingham, director of the Community Chest-United Way and the Birmingham Chapter of the American Red Cross, and was a past president of both the Alabama Press Association and the Alabama Chapter of the Society of Professional Journalists, Sigma Delta Chi; and

WHEREAS, he also was a member of Saint Luke's Episcopal Church, the Kiwanis Club, the President's Advisory Board of Marion Military Institute and was a leader as well in many other civic, charitable and service projects of the community; and

WHEREAS, in the death of Bill Metz, the City of Birmingham and, indeed, the State of Alabama have suffered a deep and grievous loss; his was a lifetime of service to others and one for which we give thanks even as we sorrow in his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of W. H. "Bill" Metz of Birmingham, Alabama, and tender our deepest regret to his beloved wife, daughter and son, Mrs. Nell Sugg Metz, Mrs. Suzanna Brown and Stephen Metz; to his sister, Mrs. Majorie Woodard; and to other family members for whom copies of this commemorative resolution shall be provided.

On motion of Senator Cabaniss, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Horn offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama is deeply grateful for a recent opportunity to tour the facilities of an Alabama enterprise which, for the past two years, has had a tremendous and highly favorable impact on the economy of all Alabama; and

WHEREAS, through the courtesy of former United States Ambassador Marvin Warner and Mr. Jerry Sklar, owner and president, respectively, of the Birmingham Stallions, members of the Legislature were conducted on a tour of the magnificent Legion Field facilities of the Stallions, one of the twelve initial teams of the United States Football League; and

WHEREAS, the tour's participants also were afforded the opportunity of viewing a Stallions' practice and had the pleasure of speaking with a number of home state players as well as team members from neighboring Mississippi and other Southeastern states; and

WHEREAS, during luncheon, remarks appropriate to the occasion were made by Ambassador Warner and Mr. Sklar, who served as hosts along with other members of the Stallions' staff; distinguished speakers also included Speaker Tom Drake, Mr. Sumner with the Lieutenant Governor's office, and Mr. Ferrell Patrick who represented Governor George Wallace; and

WHEREAS, it is further to be noted, with interest and pride, that Ambassador Warner is a Birmingham native and is a corporate financial executive of national prominence; he is a distinguished native son whose investment in the Birmingham franchise is an investment in the future of our state; for this we are indeed grateful, as are all Alabama citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding contributions to the State of Alabama, we hereby most highly commend Ambassador Marvin Warner and Mr. Jerry Sklar of the Birmingham Stallions.

BE IT FURTHER RESOLVED, That Messrs. Warner and Sklar, as well as the Stallions' staff, receive copies of this resolution executed in sincere

regard and in expression of appreciation for the many courtesies they have extended to the Alabama Legislature.

On motion of Senator Horn, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit

S. J. R. 42. MAKING THE JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE, CREATED BY ACT NO. 84-318, HJR 67, 1984 REGULAR SESSION, A PERMANENT CONTINUOUS LEGISLATIVE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Children and Youth Study Committee, created by Act No. 84-318, HJR 67, 1984 Regular Session, is hereby made into a permanent continuous legislative committee to be known as the Joint Legislative Children and Youth Study Committee which shall continue in existence for the current legislative term and all future legislative terms until abolished by a joint resolution of the Legislature.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's chairman. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 19

The Senate proceeded to further consideration of the Bill, S. B. 19.

On motion of Senator Amari, further consideration of the Bill, S. B. 19, was indefinitely postponed.

Yeas 4; Nays 2.

Yeas:

Senators:	Bennett	Cabaniss	Parsons	
Amari				—4

Nays:

Senators:	Hilliard	Horn		—2
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

RECESS

At 3:55 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 4:25 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Coburn, Johnson (Roy) and Venable.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 6, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Goodwin, Smith (J), and Parsons.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectively report the following Senate Joint

Resolutions delivered to the Governor, with the date and hour of delivery,
to-wit:

S. J. R. 1

S. J. R. 3

S. J. R. 4

S. J. R. 5

S. J. R. 6

S. J. R. 7

S. J. R. 19

S. J. R. 20

S. J. R. 21

Delivered to the Governor January 29, 1985 at 8:30 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon
the Journal.

ADJOURNMENT

At 4:27 P.M., Senator Bedford moved that the Senate adjourn until
Wednesday, January 30, 1985, at 4 o'clock P.M.

Senator Cabaniss offered a substitute motion that the Senate adjourn
until Wednesday, January 30, 1985, at 10 o'clock A.M., which motion was
adopted.

SIXTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 30, 1985

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Henry D. Alford, Deacon, Woodley Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Mark Chriske, Carver Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Parsons
Bailey	Denton	Hand	Sanders
Barron	Dial	Holmes	Smith (B)
Bedford	Dixon	Horn	Smith (J)
Bedsole	Drinkard	Langford	Strong
Bennett	Ellis	Little	Teague
Bishop			

—32

JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Cooley, deGraffenried, and Hilliard for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 4. Relating to Jefferson County; fixing the salary of the Deputy Probate Judge.

Also:

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

Also:

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Also:

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

Also:

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Also:

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

Also:

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

Also:

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Also:

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

Also:

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Also:

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

Also:

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

Also:

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senators Teague and Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. COMMENDING COACH CHUCK MILLER OF TALLADEGA, ALABAMA, ON HIS 600TH CAREER BASKETBALL VICTORY.

WHEREAS, in commendation and sincere praise, the Alabama Legislature most heartily congratulates Coach Chuck Miller of Talladega High School on his 600th career basketball victory, January 14, 1985; and

WHEREAS, Coach Miller's career milestone, a 59-38 win over Oxford High, elevated him to the pinnacle of his profession and membership into an elite coaching club as one of only three high school basketball coaches in state history ever to achieve 600 victories; and

WHEREAS, the majority of Chuck Miller's coaching career, and triumphs, have been at Talladega where he has coached since 1963; he previously served a five-year tenure at Alexandria and for one year at Winter Garden, Florida; and

WHEREAS, with an overall record of 600-217, at the time of his historic accomplishment, Coach Miller's teams have averaged more than 20 wins a season, moving steadily and consistently toward the memorable goal that was to be reached in his 29th year as an extraordinarily talented coach and outstanding leader of young athletes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Chuck Miller of Talladega High School, for whom a copy of this resolution shall be provided in small token of our deep admiration and regard.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 42. MAKING THE JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE, CREATED BY ACT NO. 84-318, HJR 67, 1984 REGULAR SESSION, A PERMANENT CONTINUOUS LEGISLATIVE COMMITTEE.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 44. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 48	Attorneys, Lic. tax inc., cert. exempt. removed	20
H. B. 9	Corrections Institution Finance Auth.	14
H. B. 35	State Empl., motor vehic. liability limits regu.	20
H. B. 10	Soil and water cons. Commission est., powers, consti. amendment.	16

On motion of Senator Bishop, the Resolution was adopted by the Senate.

SPECIAL ORDER**BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Senator Dial offered the following amendment to the Bill, H. B. 48, to-wit:

AMENDMENT TO H. B. 48

Amend House Bill No. 48, Page 1, Line 25, by striking out "but none to the county" after the word State, and adding:

"and \$50.00 to the General Fund of each County in which each individual lawyer practices his profession."

On motion of Senator Bishop, said amendment was laid on the table.

Senator Dial then offered the following amendment No. 2 to the Bill, H. B. 48, to-wit:

AMENDMENT TO H. B. 48

Amend House Bill No. 48, Page 1, Line 25, by inserting

\$25.00 of which shall go the General Fund State of Ala. and \$25.00 shall go to the General Fund of said County

and striking out but none to the County.

RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 45. **EXTENDING CONGRATULATIONS TO MR. ERNEST LEWIS, JR., 1984 EMPLOYEE OF THE YEAR, BAPTIST MEDICAL CENTER-PRINCETON.**

Which was adopted.

FURTHER CONSIDERATION OF H. B. 48

The Senate proceeded to further consideration of the Bill, H. B. 48.

The question was on the amendment No. 2 offered by Senator Dial.

On motion of Senator Aldridge, said amendment was laid on the table.

Yeas 26; Nays 2.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons
Aldridge	Corbett	Hand	Sanders
Amari	Denton	Holmes	Smith (B)
Bailey	Dixon	Horn	Smith (J)
Bedford	Drinkard	Langford	Strong
Bedsole	Ellis	Little	Teague
Bennett	Figures	Menton	

—26

Nays:

Senators:	Barron	Dial	—2
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And said Bill, H. B. 48, was read a third time at length and passed.

Yeas 28; Nays 1.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Aldridge	Denton	Hand	Parsons
Amari	Dixon	Holmes	Sanders
Bailey	Drinkard	Horn	Smith (B)
Barron	Ellis	Langford	Smith (J)
Bedsole	Figures	Little	Strong
Bennett	Foshee	Menton	Teague
Cabaniss			

—28

Nay: Senator Dial —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide

6th Day

for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Aldridge	Covington	Goodwin	Mitchem	
Amari	Denton	Hand	Parsons	
Bailey	Dial	Holmes	Smith (B)	
Barron	Dixon	Horn	Smith (J)	
Bedsole	Drinkard	Langford	Strong	
Bennett	Ellis	Little	Teague	
Cabaniss				—28

Nays: —0

THE BILL:

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Amari	Covington	Hand	Parsons	
Bailey	Denton	Holmes	Smith (B)	
Barron	Dial	Horn	Smith (J)	
Bedford	Drinkard	Langford	Strong	
Bedsole	Ellis	Little	Teague	
Bennett				—28

Nays: —0

THE BILL:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

was read a third time at length as required by the Constitution and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Aldridge	Covington	Goodwin	Mitchem
Amari	Denton	Hand	Parsons
Bailey	Dial	Holmes	Smith (B)
Barron	Dixon	Horn	Smith (J)
Bedford	Drinkard	Langford	Strong
Bishop	Ellis	Little	Teague
Cabaniss			

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 31. COMMENDING THE UNITED STATES ARMED FORCES IN THE REPUBLIC OF KOREA.

Also:

S. J. R. 40. MOURNING THE DEATH OF W. H. "BILL" METZ OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 42. MAKING THE JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE, CREATED BY ACT NO. 84-318, H. J. R. 67, 1984 REGULAR SESSION, A PERMANENT CONTINUOUS LEGISLATIVE COMMITTEE.

Also:

S. J. R. 43. COMMENDING COACH CHUCK MILLER OF TALLADEGA, ALABAMA, ON HIS 600TH CAREER BASKETBALL VICTORY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer

the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

and Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 6, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TOM C. COBURN,

ROY W. JOHNSON,

JACK B. VENABLE,

Conferees on the part of the House.

EARL GOODWIN,

MAC PARSONS,

JIM SMITH,

Conferees on the part of the Senate.

A BILL TO BE ENTITLED AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

"Section 1. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named 'The Alabama Trust Fund' which shall be funded and administered in accordance with the provisions of this amendment.

"Section 2. As used in this amendment, the following words and phrases shall have the following respective meanings:

" 'Board' means the board of trustees of the trust fund.

“ ‘Eligible Investments’ means any of the following:

“(1) Demand deposits (interest bearing) in federally insured banks and interest bearing deposits (whether or not evidenced by certificates of deposit) in federally insured banks; provided, however, that said deposits plus interest shall be fully secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Deposit Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

“(2) Bonds, notes and other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America;

“(3) Bonds debentures, notes or other evidences of indebtedness issued or guaranteed by any federal agencies or government-sponsored enterprises authorized to issue their own debt instruments, including, without limitation to, the following: Federal Farm Credit Bank, Federal Intermediate Credit Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, Federal Banks for Cooperatives, Federal Home Loan Banks, Federal Home and Loan Mortgage Association or the Farmers Home Administration;

“(4) Repurchase agreements with federally insured banks or with government bond dealers reporting to and trading with the Federal Reserve Bank of New York, provided that such repurchase agreements are secured by obligations described in subdivisions (2) and (3) of this definition; and

“(5) Interest bearing time deposits (whether or not evidenced by certificates of deposit) in savings and loan associations (a) the deposits of which are insured to the maximum extent possible by the Federal Savings and Loan Insurance Corporation or any agency of the United States of America that may succeed to its functions and (b) the principal office of which is located in the state; provided, however, that said deposits plus interest shall be secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Savings and Loan Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Savings and Loan Insurance Corporation.

“(6) Corporate securities, provided, however, that no more than a maximum of twenty-five percent (25%) of the trust capital may be invested in such securities by the Board at any time and provided further that no more than a maximum of one percent (1%) of the twenty-five percent (25%) may be invested in any one corporation. The legislature may provide authorization to the Board to invest up to a maximum of forty percent (40%) in corporate securities by a three-fifths (3/5) vote of the membership of both the house of representatives and the senate. All corporate securities shall at the time of purchase by the Board carry a rating of “A” or better by Moody’s and/or Standard and Poors; provided, however, that if neither Moody’s nor Standard and Poors is in existence or ceases to issue bond ratings, then, in that event, otherwise eligible corporate securities must carry one of the three highest grade or quality ratings issued by the securities rating firm that, in the opinion of the Board, is recognized as the most reputable.

“ ‘Federally Insured Bank’ means any bank which has its principal office located in Alabama, whether organized under the laws of the United States

of America or the laws of this state, and which is a member of the Federal Deposit Insurance Corporation or which obtains deposit insurance to the maximum extent possible from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

“ ‘Fiscal Year’ means the fiscal year of the state as may from time to time be provided by law.

“ ‘Oil and Gas Capital Payment’ means any payment (including any royalty payment) received after August 1, 1984, by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue by the state from federal oil and gas leases off the coast of Alabama. Any royalty or other payment, with the exception of any taxes heretofore or hereafter levied, that is based upon or determined with respect to, the production of oil, gas or other hydrocarbon minerals and that is paid to the state or any agency or instrumentality thereof regardless of the time of such payment shall be considered an oil and gas capital payment.

“ ‘State’ means the State of Alabama.

“ ‘Trust Capital’ means all assets of the trust fund other than trust income.

“ ‘Trust Fund’ means ‘The Alabama Trust Fund’ created by this amendment.

“ ‘Trust Income’ means the net income received by the state, subsequent to the transfer of the initial trust capital by the State Treasurer to the board, from the investment and reinvestment of all assets of the trust fund, determined in accordance with the provisions of this amendment.

“ ‘Trustee’ means a member of the board of trustees of the trust fund.

“Section 3. (a) The trust fund shall be under the management and control of the board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in the board. The board shall have a membership of nine trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), three trustees appointed by the governor, two trustees appointed by the lieutenant governor, and one trustee appointed by the speaker of the house of representatives. The governor, the state treasurer and the director of finance shall each serve as a trustee ex officio, and the service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. As promptly as practicable after the effective date of this amendment, the other trustees shall be appointed for the following initial terms: The trustees to be appointed by the governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1, in the first, second and third calendar years, respectively, next following the calendar year in which this amendment shall become effective; the trustees to be appointed by the lieutenant governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1, in the fourth and fifth calendar years, respectively, next following the calendar year in which this amendment

shall become effective; and the trustee to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1, in the sixth calendar year next following the calendar year in which this amendment shall become effective. Thereafter, the term of office of each appointed trustee shall be six years, commencing at noon on October 1 on which the term of the immediate predecessor trustee shall end.

“(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full six-year term or to complete an unexpired term, shall be made by the same officer of the state who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each appointed trustee shall hold office from the effective date of his or her appointment by and with the consent of the Senate and shall hold office until his or her successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) At the beginning of each session of the legislature the governor shall certify to the senate for confirmation the names of all who shall have been appointed as trustees since the commencement of the last session of the legislature.

“(d) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy of the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state subject to said Section 174 or successor provision thereof. The governor, the state treasurer and the director of finance may not be impeached and removed from office as trustees apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as trustees.

“(e) The governor, the state treasurer and the director of finance shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as governor, state treasurer and director of finance. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(f) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the

voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be chairman and presiding officer of the board. The director of finance shall be the vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(g) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(h) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligations created or assumed by the board shall not

create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(i) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“Section 4. (a) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to the sum of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to four percent (4%) of the three hundred forty seven million four hundred and eighty three thousand dollars (\$347,483,000) which has been received by the state pursuant to the sealed bids awarded on August 14, 1984, which sum shall be carried in the state treasury to the credit of the state lands fund.

“Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(b) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; and (iii) all proceeds of

any oil and gas capital payments as defined in this amendment subsequent to August 14, 1984; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to one percent (1%) of all proceeds of any oil and gas capital payments as defined in this amendment subsequent to August 14, 1984, which sum shall be carried in the state treasury to the credit of the state lands fund. In addition, within ninety (90) days after September 1, 2001, the Board of Trustees of The Alabama Heritage Trust Fund shall transfer the trust capital of The Alabama Heritage Trust Fund to The Alabama Trust Fund and shall transfer the trust income of the Alabama Heritage Trust Fund to the state general fund. The trust capital received by The Alabama Trust Fund from The Alabama Heritage Trust Fund shall thereafter be trust capital of The Alabama Trust Fund. The Alabama Heritage Trust Fund, the Board of Trustees of The Alabama Heritage Trust Fund, and all other aspects of The Alabama Heritage Trust Fund shall terminate and dissolve ninety (90) days after September 1, 2001.

“(c) Provided, however, beginning with state fiscal year 1989-90, one percent of the income from The Alabama Trust Fund shall be reinvested in The Alabama Trust Fund; two percent of such income shall be reinvested in the following year; and one additional percent of such income each subsequent year shall be reinvested until a total of ten percent of such income from The Alabama Trust Fund each year shall be reinvested in The Alabama Trust Fund.

“Section 5. (a) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be paid directly into the general fund as it is received by the board, subject to appropriation and withdrawal by the legislature.

“(b) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or

secured in such manner, and subject to the provisions of Section 2, paragraphs 2 and 3; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(c) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safekeeping of securities evidencing investments.

“(d) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent certified public accounting firm and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“Section 6. An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

“Section 7. This amendment shall be self-executing, but the legislature shall have the right and power to enact laws supplemental to this amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this amendment.”

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment is ordered to be held on the second Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Senator Goodwin moved that the Senate concur in and adopt the foregoing Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendments to the Bill, H. B. 6, the title of which and said Conference Report are set out in the foregoing Message from the House.

Senator Bishop offered a substitute motion that the Senate non-concur in said Conference Report.

On motion of Senator Goodwin, the motion to non-concur was laid on the table.

Yeas 17; Nays 14.

Yeas:

Senators:	Bennett	Hand	Mitchem
Bailey	Cabaniss	Holmes	Parsons
Barron	Dixon	Little	Smith (J)
Bedford	Ellis	Menton	Strong
Bedsale	Goodwin		

—17

Nays:

Senators:	Corbett	Figures	Sanders
Aldridge	Covington	Foshee	Smith (B)
Amari	Denton	Horn	Teague
Bishop	Drinkard	Langford	

—14

The question then recurred on the motion of Senator Goodwin, which

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was adopted, and the Senate concurred in and adopted the Report of the Committee on Conference.

Yeas 26; Nays 6.

Yeas:

Senators:	Bennett	Foshee	Mitchem	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Covington	Hand	Smith (B)	
Bailey	Denton	Holmes	Smith (J)	
Barron	Dial	Langford	Strong	
Bedford	Dixon	Little	Teague	
Bedsole	Ellis	Menton		—26

Nays:

Senators:	Corbett	Figures	Sanders	
Bishop	Drinkard	Horn		—6

Senator Bailey moved that the Senate reconsider the vote by which the Senate concurred in and adopted the Report of the Committee on Conference on the Bill, H. B. 6, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 46. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all matters until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 5	Health Dept., Pensions & Sec. Dept., Mental Health Dept., Env. Mgt. Dept., Agri. Dept., Corr. Dept., Military Dept., Pub. Safety Dept., Emerg. Mgt. Agen., state ins. fund approp.	16
H. B. 11	Agri. and Cons. development comm., est., powers, duties	17

On motion of Senator Bishop, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the

State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 5, to-wit:

AMENDMENT TO H. B. 5

Amend House Bill 5 in section 2, on page 2 after line 34 by inserting the following:

“(9) Alabama Forestry Commission 200,000”

Further amend House Bill 5 on page 2 on line 23 by striking the figure “1,250,000” and by inserting in lieu thereof the figure “1,463,000”

On motion of Senator Teague, further consideration of said committee amendment was postponed subject to the call of the Chair.

The Standing Committee on Finance and Taxation then reported the following amendment No. 2 to the Bill, H.B. 5, to-wit:

AMENDMENT TO H. B. 5

Amend House Bill 5 on page 3 by deleting Section 3 on lines 1 through 11 in its entirety and by renumbering the following sections accordingly.

Further amend House Bill 5 on page 2, line 26 by striking the figure “250,000” and by inserting in lieu thereof the following figure: “940,000”.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Foshee	Little	
Aldridge	Denton	Goodwin	Menton	
Amari	Dial	Hand	Mitchem	
Bailey	Dixon	Holmes	Smith (B)	
Bennett	Drinkard	Horn	Smith (J)	
Cabaniss	Ellis	Langford	Strong	—23

Nays:

—0

Senator Goodwin offered the following amendment to the Bill, H. B. 5, as amended, to-wit:

AMENDMENT TO H. B. 5, AS AMENDED

Amend H. B. 5, as amended, as follows:

On page 2, in Section 2, (5), line 27, delete the entire line 27, consisting of the words:

(For the purchase of automobiles)

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint

Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 31. COMMENDING THE UNITED STATES ARMED FORCES IN THE REPUBLIC OF KOREA.

Also:

S. J. R. 40. MOURNING THE DEATH OF W. H. "BILL" METZ OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 42. MAKING THE JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE, CREATED BY ACT NO. 84-318, HJR 67, 1984 REGULAR SESSION, A PERMANENT CONTINUOUS LEGISLATIVE COMMITTEE.

Also:

S. J. R. 43. COMMENDING COACH CHUCK MILLER OF TALLADEGA, ALABAMA, ON HIS 600TH CAREER BASKETBALL VICTORY.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H.B. 5

The Senate proceeded to further consideration of the Bill, H.B. 5, as amended.

The question was on the amendment offered by Senator Goodwin.

Senator Barron moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 15.

Yeas:

Senators:	Cabaniss	Ellis	Little
Barron	Dial	Hand	Smith (B)
Bedsole			

—8

Nays:

Senators:	Bennett	Foshee	Langford
Aldridge	Covington	Goodwin	Parsons
Amari	Dixon	Holmes	Strong
Bailey	Drinkard	Horn	Teague

—15

And said amendment was then adopted.

Yeas 15; Nays 6.

Yeas:

Senators:	Bennett	Foshee	Langford	
Amari	Corbett	Goodwin	Parsons	
Bailey	Covington	Holmes	Strong	
Bedford	Dixon	Horn	Teague	—15

Nays:

Senators:	Cabaniss	Hand	Smith (B)	
Bedsale	Denton	Little		—6

Senators Bailey, Bedford, Denton, Holmes, Bedsale, Barron, Bennett, Horn, Ellis, Amari, Aldridge, Menton, Sanders, Figures, Smith (J), and Langford offered the following amendment to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO H.B. 5, AS AMENDED

Amend H.B. 5, as amended, as follows:

On page 2, in Section 2, after line 34, insert the following:

(10) Children's Trust Fund of Alabama

To be distributed for local programs \$250,000

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Hand	Parsons	
Aldridge	Denton	Holmes	Sanders	
Bailey	Dial	Langford	Smith (B)	
Barron	Dixon	Little	Smith (J)	
Bedford	Drinkard	Menton	Strong	
Bedsale	Ellis	Mitchem	Teague	
Bennett	Goodwin			—25

Nays:

—0

Senator Little offered the following amendment to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO H.B. 5, AS AMENDED

Amend House Bill No. 5, as amended, Page 2 by inserting in Section 2, after line 34 the following:

(11) Alabama Council on the Arts and Humanities \$100,000

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Amari	Dial	Holmes	Sanders	
Barron	Dixon	Horn	Smith (B)	
Bedsale	Drinkard	Langford	Smith (J)	
Bennett	Ellis	Little	Strong	
Cabaniss	Goodwin			—21

Nays:

—0

Senator Cabaniss offered the following amendment to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO H.B. 5, AS AMENDED

Amend House Bill No. 5, as amended, Page 2 Section 2 after line 34, insert the following:

(10) Alabama Development Office for additonal representatives,
research personnel, and advertising expenses \$1,000,000

Which was adopted.

Yeas 12; Nays 3.

Yeas:

Senators:	Cabaniss	Langford	Smith (J)	
Amari	Ellis	Little	Strong	
Bedford	Goodwin	Menton	Teague	
Bennett				—12

Nays:

Senators:	Hand	Holmes	Smith (B)	—3
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Senator Hand offered the following amendment to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO H. B. 5, AS AMENDED

Amend H. B. 5, as amended, on page 1, line 31 by striking the figure “750,000”, and insert in lieu thereof “500,000”.

Which was lost.

Yeas 5; Nays 11.

Yeas:

Senators:	Hand	Smith (B)	Smith (J)	
Cabaniss	Parsons			—5

Nays:

Senators:	Denton	Foshee	Little	
Bailey	Dixon	Goodwin	Mitchem	
Bennett	Drinkard	Holmes	Strong	—11

Senator Hand then offered the following amendment No. 2 to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO H.B. 5, AS AMENDED

Amend House Bill 5, as amended, on page 1, line 14 by deleting the words “the Department of Pensions and Security,”.

Further amend House Bill 5 as reported on page 1, line 32 by deleting line 32 in its entirety and renumber the remaining items consecutively.

Which was lost.

Yeas 5, Nays 13

Yeas:

Senators:	Cabaniss	Hand	Smith (B)	
Bedsole	Ellis			—5

Nays:

Senators:	Drinkard	Horn	Mitchem	
Bailey	Figures	Langford	Sanders	
Denton	Goodwin	Little	Smith (J)	
Dixon	Holmes			—13

Senator Hand then offered the following amendement No. 3 to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO HOUSE BILL 5, AS AMENDED

Amend House Bill 5, as amended, on page 1, line 35 by striking the figure "2,100,000", and insert in lieu thereof the figure "1,575,000".

On motion of Senator Hand, said amendment was laid on the table.

Senator Goodwin offered the following amendment No. 2 to the Bill, H.B. 5, as amended, to-wit:

AMENDMENT TO H.B. 5, AS AMENDED

Amend House Bill No. 5, as amended, Page 1, line 20, after the word "Board", by inserting the following:

"Peace Officer's Standards and Training"

Further amend H.B. 5, as amended on page 2, after line 34 by inserting the following:

"(12) Peace Officers' Standards and Training 60,000".

Further amend said bill by adjusting all item numbers in Section 2 accordingly.

Which was adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Bennett	Foshee	Menton	
Aldridge	Cabaniss	Goodwin	Smith (J)	
Bailey	Dixon	Holmes	Strong	
Barron	Drinkard	Horn	Teague	
Bedford	Ellis	Little		—18

Nay: Senator Bedsole —1

And said committee amendment No. 1 was then adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Barron	Corbett	Hand	Parsons	
Bedford	Dial	Holmes	Strong	
Bedsole	Dixon	Little	Teague	
Bennett	Ellis	Menton		—18

Nays: —0

And said Bill, H.B. 5, as amended, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Aldridge	Covington	Goodwin	Mitchem
Amari	Denton	Hand	Parsons
Bailey	Dial	Holmes	Smith (J)
Barron	Dixon	Horn	Strong
Bedford	Drinkard	Langford	Teague
Bedsole	Ellis	Little	

--26

Nays: — 0

RESOLUTIONS

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 47. CONGRATULATING MR. AND MRS. VERNON BROWN ON THE OCCASION OF THEIR 43rd WEDDING ANNIVERSARY.

Which was adopted.

Senator Parsons offered the following Senate Joint Resolution, to wit:

S. J. R. 48. RESOLUTION TO GIVE DIRECTION TO THE UNITED STATES SENATORIAL DELEGATION ON THE CONFIRMATION OF EDWIN MEESE III AS ATTORNEY GENERAL.

WHEREAS, Edwin Meese III has been nominated by the President to serve his administration as Attorney General and the Meese nomination is presently pending before the United States Senate for confirmation; and

WHEREAS, the Meese nomination is shrouded by a specter of unethical and improper conduct and business dealings by Mr. Meese; and

WHEREAS, our country continues to suffer from a previous administration who had an attorney general who was indicted and imprisoned for obstruction of justice stemming from the "Watergate scandal"; and

WHEREAS, the high office of Attorney General of the United States should be above reproach and the person serving in that capacity should be a person of impeccable moral and ethical character and the nominee should be removed from any suggestions or indications of unethical or improper conduct; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the United States Senatorial delegation vote not to confirm Edwin Meese III as Attorney General of the United States of America.

Which was read and referred to the Standing Committee on Rules.

Senators Sanders, Horn, and Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. URGING THE ALABAMA TRUST FUND BOARD TO RESTRICT CERTAIN INVESTMENTS DEALING WITH THE UNION OF SOUTH AFRICA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Trust Fund Board is hereby urged to make no investment in any firm incorporated under the laws of, or with its principal office located in, or which derives a significant amount of its gross income from, the Union of South Africa, or in any securities issued or guaranteed by the Union of South Africa.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Alabama Trust Fund Board.

Which was read and referred to the Standing Committee on Rules.

Senators Strong, Sanders, Horn, Bennett, Langford, Smith (J), Drinkard, Teague, Foshee, Little, Holmes, and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. URGING THE ALABAMA TRUST FUND BOARD TO RESTRICT CERTAIN INVESTMENTS DEALING WITH THE UNION OF SOUTH AFRICA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Trust Fund Board is hereby urged to make no investment in any firm incorporated under the laws of, or with its principal office located in, or which derives a significant amount of its gross income from, the Union of South Africa, or in any securities issued or guaranteed by the Union of South Africa.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Alabama Trust Fund Board.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Seibels:

H. J. R. 29. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Dixon, the Rules were suspended and the Resolution, H.J.R. 29, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 31. REQUESTING THE GOVERNOR AND THE LIEUTENANT GOVERNOR TO APPOINT TWO BLACK ALABAMIANS TO THE ALABAMA TRUST FUND BOARD.

Also:

By Rep. Seibels:

H. J. R. 32. HONORING THE AMERICAN LEGION, DEPARTMENT OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 31, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Menton, the Rules were suspended and the Resolution, H.J.R. 32, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Johnson (Roy):

H. J. R. 30. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H.J.R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer

and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

was taken up.

Senator Bennett offered the following amendment to the Bill, H.B. 11, to-wit:

AMENDMENT TO H.B. 11

Amend House Bill No. 11, Page 6, Line 7, by inserting after the word "owners" the following:

"or involved in environmental protection"

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Senators:	Bishop	Ellis	Little
Aldridge	Cabaniss	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Smith (J)
Barron	Dixon	Holmes	Strong
Bedford	Drinkard	Horn	Teague
Bennett			

—24

Nay: Senator Denton

—1

Senator Bishop offered the following amendment to the Bill, H.B. 11, as amended, to-wit:

AMENDMENT TO H.B. 11, AS AMENDED

Amend H.B. 11, as amended, on page 6, line 10 by striking the words "a member" wherever they appear and insert in lieu thereof the words "two members".

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Hand	Mitchem
Amari	Cabaniss	Holmes	Parsons
Bailey	Denton	Horn	Smith (J)
Bedford	Dixon	Langford	Strong
Bedsole	Drinkard	Little	Teague
Bennett	Ellis	Menton	

—22

Nays:

—0

And said Bill, H.B. 11, as amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Menton	
Amari	Denton	Hand	Mitchem	
Bedford	Dixon	Holmes	Parsons	
Bedsole	Drinkard	Horn	Smith (J)	
Bennett	Ellis	Langford	Strong	
Cabaniss	Foshee	Little	Teague	—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President;

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Also:

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

Also:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Also:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon

minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Also:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Coburn, Holley, and Clark, (J).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Dixon, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 5, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Teague, Foshee, and Mitchem.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 50. URGING THE ALABAMA TRUST FUND BOARD TO RESTRICT CERTAIN INVESTMENTS DEALING WITH THE UNION OF SOUTH AFRICA.

On motion of Senator Bishop, further consideration of the Resolution, S.J.R. 50, was postponed temporarily.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 51. COMMENDING MR. WILLIAM A. CAIN OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 52. COMMENDING MR. O. MONROE BATES OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 53. COMMENDING MR. LARRY N. CHRISTOPHER OF HUNTSVILLE, ALABAMA FOR OUTSTANDING ACCOMPLISHMENT.

Which were adopted.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Senator Smith (B), further consideration of all Senate Bills remaining on the calendar was indefinitely postponed.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S.B. 35

S.B. 4

S.B. 5

S.B. 6

S.B. 7

S.B. 8

S.B. 9

S.B. 10

S.B. 11

S.B. 12

S.B. 13

S.B. 14

S.B. 15

S.B. 16

Delivered to the Governor, January 30, 1985, at 10:30 A.M.

S.J.R. 31

S.J.R. 40

S.J.R. 42

S.J.R. 43

Delivered to the Governor, January 30, 1985, at 3:30 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:05 P.M., on motion of Senator Goodwin, the Senate adjourned until Thursday, January 31, 1985, at 10 o'clock A.M.

SEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 31, 1985

The Senate met pursuant to adjournment. Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. James E. Newton, Deacon, Woodley Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Eloyse Crenshaw, Wetumpka High School, Wetumpka, Alabama.

ROLL CALL

Present:

Senators:	Covington	Foshee	Little
Aldridge	Denton	Goodwin	Menton
Bailey	Dial	Hand	Mitchem
Barron	Dixon	Holmes	Smith (J)
Bedford	Drinkard	Horn	Strong
Bedsole	Ellis	Langford	Teague
Corbett			

—24

JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Amari, Bennett, Bishop, Cabaniss, Cooley, deGraffenried, Figures, Hilliard, Parsons, Sanders, and Smith (B) for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House Bill:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to

set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. J. R. 50

The Senate proceeded to further consideration of the Resolution:

S. J. R. 50. URGING THE ALABAMA TRUST FUND BOARD TO RESTRICT CERTAIN INVESTMENTS DEALING WITH THE UNION OF SOUTH AFRICA.

which said Resolution was reported favorably from the Committee on Rules, and postponed temporarily on the Sixth Legislative Day.

Senator Dixon offered the following amendment to the Resolution, S. J. R. 50, to-wit:

AMENDMENT TO S. J. R. 50

Amend S. J. R. 50 page 1, line 14, by striking out after the word in.

"any firm incorporated under the laws of, or with its principal office located in, or which derives a significant amount of its gross income from."

Which was adopted.

And on motion of Senator Dixon, the Resolution, S. J. R. 50, as thus amended, was adopted by the Senate.

Yeas 14; Nays 4.

Yeas:

Sensors:	Covington	Horn	Smith (J)	
Aldridge	Denton	Little	Strong	
Barron	Foshee	Menton	Teague	
Bedford	Holmes	Mitchem		— 14

Nays:

Sensors:	Dixon	Goodwin	Hand	
Dial				— 4

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 54. COMMENDING MR. AUSTIN M. GARRISON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 55. COMMENDING MR. GEORGE A. SMITH OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 56. COMMENDING DR. JACK W. WILSON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 57. COMMENDING RALPH C. STONE FOR MANY CONTRIBUTIONS TO THE FIELD OF ENGINEERING.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 29. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 30. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 32. HONORING THE AMERICAN LEGION, DEPARTMENT OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission

and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RECESS

At 11:55 A.M., on motion of Senator Dixon, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 12:35 P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly engrossed, to-wit:

S. J. R. 50. URGING THE ALABAMA TRUST FUND BOARD TO RESTRICT CERTAIN INVESTMENTS DEALING WITH THE UNION OF SOUTH AFRICA.

CHARLES BISHOP,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

and Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 5, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TOM C. COBURN,

JIMMY W. HOLLEY,

JAMES S. (JIMMY) CLARK,

Conferees on the Part of the House.

HINTON MITCHEM,

E. CRUM FOSHEE,

JOHN A. TEAGUE,

Conferees on the Part of the Senate.

A BILL TO BE ENTITLED AN ACT

To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board, Peace Officers Standards & Training Commission, the Children's Trust Fund, the Council on Arts & Humanities, the Office of the Speaker of the House of Representatives, the Office of the Lieutenant Governor, and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State

General Fund for the fiscal year ending September 30, 1985, the following amounts to be used solely for the purpose of providing performance salary advances for state employees.

- (1) Department of Public Health 750,000
- (2) Department of Pensions and
Security 1,000,000
- (3) Department of Mental Health
Institutional Treatment and Care
Program 2,100,000
- (4) Alabama Forestry Commission 225,000

(b) Such funds as set out above shall be used solely to make payment for the salary of any employee who otherwise qualifies during the fiscal year 1984-85 for a performance salary adjustment within their assigned pay range, but may not receive such salary adjustment due to a declaration by the departments, as set out in Section 1 (a), that funds are unavailable for such purpose. It being the intent of the Legislature that appropriate compensation to such employees shall be retroactive from the time the performance salary advancement was due.

Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, the following:

- (1) Alabama Department of Environmental Management-Environmental Management Program. 304,514
- (2) Department of Agriculture and Industries-Agricultural Inspection Services Program 225,000
- (3) Department of Corrections (for Limestone Prison) 7,750,000
- (4) Military Department-Armory Commission-Military Operations Program 1,463,000
(For capital outlay for construction and repair of armories)
- (5) Department of Public Safety 250,000
(For purchase of automobiles)
- (6) Emergency Management Agency-Readiness and Recovery Program 50,000
(For matching Funds for purchase of Doppler Radar System)
- (7) State Liability Insurance Fund 1,000,000
- (8) State Oil and Gas Board 385,000
(For capital outlay purposes only)
- (9) Forestry Commission 200,000
(For equipment purchases)
- (10) Peace Officers Standards and Training Commission 60,000
- (11) Children's Trust Fund 250,000
(To be distributed for local programs)

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7th Day

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- (12) Council on Arts and Humanities 100,000
(13) Office of Speaker of the House
of Representatives 10,000
(For miscellaneous operating expenses)
(14) Office of Lieutenant Governor 10,000
(For miscellaneous operating expenses)

Section 3. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, \$690,000 to the Department of Public Safety to be conditional upon the passage of legislation authorizing payment of certain retroactive salaries for the fiscal year 1982-83.

Section 4. All monies appropriated in Section 1, 2 and 3 are conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby specifically repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendments to the Bill, H. B. 5, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton
Aldridge	Covington	Hand	Mitchem
Bailey	Denton	Holmes	Smith(J)
Barron	Dixon	Horn	Strong
Bedford	Ellis	Little	Teague
Bedsole	Foshee		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130.

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace, returning House Bill No. 9, without the Governor's signature and approval but with the following Executive Amendment.

DONE this 31st day of January, 1985.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 9, without my signature and approval but with the following Executive Amendment which would make this Bill acceptable.

**EXECUTIVE AMENDMENT TO HOUSE BILL NO. 9 AS
SUBSTITUTED AND AMENDED**

Amend House Bill No. 9, delete Section 4 in its entirety and substitute in lieu thereof the following:

"Section 4. Amendment of Section 14-2-10 of the Code of Alabama, 1975. Section 14-2-10 of the Code of Alabama, 1975 is hereby amended to read as follows: §14-2-10. Temporary loans in anticipation of issuance of bonds.

In anticipation of issuance of bonds under this chapter, the authority may, from time to time, borrow such sums as may be needed, not exceeding \$1,000,000.00 in aggregate principal amount, for any of the purposes for which bonds are authorized to be issued under this chapter and in evidence of the moneys so borrowed may issue its promissory notes. The authorized principal amount of notes that may be issued under this section shall be reduced to the extent that bonds may be issued under this chapter. The principal of and the interest on notes so issued may, from time to time, be refunded by refunding notes or by bonds in anticipation of the issuance of which such notes were issued. All such notes, whether initial issues or refunding issues, may bear interest from their dates until their maturities at such rate or rates as may be deemed acceptable by the board of directors, not to exceed 10 percent per annum, shall within two years from their date, and the principal thereof, premium, if any, and interest thereon shall be payable solely from the proceeds of the refunding notes issued to refund any such notes outstanding, the proceeds from the sale of bonds in anticipation of the issuance of which any such notes were issued and funds from which such bonds may be made payable, all as may be provided in the resolution of the board of directors under which such notes may be issued."

Amend House Bill No. 9, Section 6, page 8, after the words "necessary for the said purposes." add the words "but not to exceed \$50,000,000 in aggregate principal amount."

Amend House Bill No. 9, Section 7, page 9, delete the figure "30" and substitute in lieu thereof "20".

Amend House Bill No. 9, Section 8, page 9, paragraph 2 after the word "advantageous," delete the word "either" and substitute in lieu thereof the word "only". On the same line delete the words "or private". After the word "sale" on this same line delete the "," and substitute in lieu thereof ".". On this same line delete the words "and by negotiation or by competitive bid." Beginning on the same line delete the words "Bonds of the authority sold by competitive bid must be sold, whether" and substitute in lieu thereof the words "Bonds must be sold by competitive bid".

Amend House Bill No. 9, Section 13, page 17, paragraph (b) delete the words "provided, however, that the first installment of rent for any facility shall be payable upon execution of the lease therefor, to cover the remainder of the fiscal year during which such lease is executed".

The adoption of the above and foregoing suggested Executive Amendment will remove any objections to this Bill.

DONE this 31st day of January, 1985.

Sincerely,
GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 71, Nays 0.

And said Bill, H. 9, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Teague, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 9, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton	
Aldridge	Covington	Hand	Mitchem	
Bailey	Denton	Holmes	Smith (J)	
Barron	Dixon	Horn	Strong	
Bedford	Ellis	Little	Teague	
Bedsole	Foshee			—21

Nays: —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 9, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Menton	
Aldridge	Denton	Hand	Mitchem	
Bailey	Dixon	Holmes	Smith (J)	
Barron	Ellis	Horn	Strong	
Bedford	Foshee	Little	Teague	—19

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the

Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board, Peace Officers Standards & Training Commission, the Children's Trust Fund, the Council on Arts & Humanities, the Office of the Speaker of the House of Representatives, the Office of the Lieutenant Governor, and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Sixth and Seventh Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journals of the Senate for the Sixth and Seventh Legislative Days were approved by the Senate.

ADJOURNMENT

At 12:45 P.M., on motion of Senator Teague, the Senate adjourned sine die.

McDOWELL LEE,
Secretary.

ROSTER OF THE SENATE OF ALABAMA

1985

Bill Baxley, <i>Lieutenant Governor</i>	State Capitol, Montgomery
John A. Teague, <i>President Pro-Tem</i>	Childersburg
McDowell Lee, <i>Secretary</i>	Montgomery
John D. Crawford, <i>Assistant Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
District No. 1—Lauderdale, Colbert	
Bobby Denton	Bank Independent, P. O. Drawer B, Sheffield 35660
District No. 2—Madison, Limestone, Lauderdale	
Jim Smith	108-A South Side Square, Huntsville 35801
District No. 3—Lawrence, Morgan	
Gary L. Aldridge	Rt. 4 Box 383-A, Hartselle 35640
District No. 4—Cullman, Morgan, Madison	
Steve Cooley	P. O. Box 1186, Cullman 35055
District No. 5—Pickens, Tuscaloosa, Walker	
Charles Bishop	P. O. Box 2328, Jasper 35501
District No. 6—Franklin, Marion, Winston, Lamar, Fayette	
Roger H. Bedford	P. O. Box 669, Russellville 35653
District No. 7—Madison	
Bill G. Smith	2009 Gallatin St., S.W., Huntsville 35801
District No. 8—Madison, Jackson, DeKalb	
Lowell R. Barron	P. O. Box 65, Fyffe 35971
District No. 9—Marshall, Blount, DeKalb	
Hinton Mitchem	P. O. Box 297, Albertville 35950
District No. 10—Etowah	
Bill Drinkard	P. O. Box 372, Gadsden 35902
District No. 11—Elmore, Talladega, Coosa	
John A. Teague	P. O. Box 427, Childersburg 35044
District No. 12—Calhoun	
Donald G. Holmes	1916 Robinhood Drive, Oxford 36203
District No. 13—Chambers, Clay, Randolph, Cleburne, Cherokee, DeKalb	
Gerald Dial	P. O. Box 248, Lineville 36266
District No. 14—St. Clair, Shelby, Bibb	
Frank (Butch) Ellis, Jr.	P. O. Box 587, Columbiana 35051

- District No. 15—Jefferson
John E. Amari 9636 Parkway East, Birmingham 35215
- District No. 16—Jefferson
William J. Cabaniss, Jr. P. O. Box 19925,
Birmingham 35219
- District No. 17—Jefferson
Mac Parsons The Bradford Bldg, 2027 20th Ave. N.,
Birmingham 35203
- District No. 18—Jefferson
Fred Horn 333 16th Ave., S.W., Birmingham 35211
- District No. 19—Jefferson
Jim Bennett Tannehill State Park,
Rt 1, Box 124, McCalla 35111
- District No. 20—Jefferson
Earl F. Hilliard P. O. Box 11385, Birmingham 35202
- District No. 21—Hale, Tuscaloosa
Ryan deGraffenried, Jr. P. O. Box 2263,
Tuscaloosa 35403
- District No. 22—Marengo, Clarke, Choctaw,
Washington, Monroe, Conecuh
Frances (Sister) Strong 400 South Main,
Demopolis 36732
- District No. 23—Choctaw, Sumter, Greene, Perry,
Dallas, Wilcox, Lowndes
Henry (Hank) Sanders P. O. Box 1305, Selma 36702
- District No. 24—Dallas, Autauga, Chilton, Bibb
Earl Goodwin P. O. Box 886, Selma 36702
- District No. 25—Montgomery
Larry Dixon P. O. Box 946, Montgomery 36102
- District No. 26—Montgomery, Elmore
Charles D. Langford 918 East Grove Street,
Montgomery 36104
- District No. 27—Tallapoosa, Lee
T.D. (Ted) Little P.O. Box 2366, Auburn 36830
- District No. 28—Macon, Bullock, Barbour, Russell
J. Danny Corbett Route 7, Box 821, Phenix City 36867
- District No. 29—Henry, Houston, Geneva
Chip Bailey P. O. Box 6791, Dothan 36302
- District No. 30—Butler, Crenshaw, Pike, Dale
J. Foy Covington, Jr. Rt. 2, Newville 36353
- District No. 31—Coffee, Covington, Escambia
E. C. (Crum) Foshee 419 Church St., Andalusia 36420
- District No. 32—Baldwin, Mobile
Perry A. Hand P. O. Box 478, Gulf Shores 36542

District No. 33—Mobile

Michael A. Figures 2317 St. Stephens Rd.,
Mobile 36617

District No. 34—Mobile

Ann Bedsole P. O. Box 16642, Mobile 36616

District No. 35—Mobile

William J. (Bill) Menton Rt. 2, Box 171,
Irvington 36544

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1985**

**FINANCE AND TAXATION
EDUCATION SUB-COMMITTEE**

Mitchem, Chairperson; Little, Deputy Chairperson; deGraffenried, Vice Chairperson; Aldridge, Bailey, Cooley, Ellis, Foshee, Hilliard, Holmes, Langford, Smith (J), Strong.

**FINANCE AND TAXATION
GENERAL FUND SUB-COMMITTEE**

Mitchem, Chairperson; Little, Deputy Chairperson; Goodwin, Vice Chairperson; Amari, Barron, Bedford, Bennett, Corbett, Denton, Figures, Hand, Horn, Smith (B).

RULES

Bishop, Chairperson; Parsons, Vice Chairperson; Aldridge, Cooley, Denton, Figures, Foshee.

JUDICIARY

Hilliard, Chairperson; Ellis, Vice Chairperson; Aldridge, Amari, Bedford, Bennett, Cooley, deGraffenried, Langford, Little, Menton, Parsons, Sanders, Smith (J), Strong.

GOVERNMENTAL AFFAIRS

Langford, Chairperson; Bennett, Vice Chairperson; Bailey, Barron, Cooley, Corbett, Cabaniss, Dixon, Drinkard, Ellis, Figures, Goodwin, Horn, Parsons, Sanders.

CONSTITUTIONAL REVISION

deGraffenried, Chairperson; Sanders, Vice Chairperson; Aldridge, Ellis, Figures, Smith (B), Smith (J).

AGRICULTURE, CONSERVATION AND FORESTRY

Bailey, Chairperson; Menton, Vice Chairperson; Aldridge, Bedford, Covington, Denton, Dial, Ellis, Figures, Goodwin, Hand, Little, Mitchem, Sanders, Smith (J).

BUSINESS AND LABOR RELATIONS

Corbett, Chairperson; Drinkard, Vice Chairperson; Bennett, Bedford, Cooley, Figures, Foshee, Parsons, Sanders.

EDUCATION

Parsons, Chairperson; Strong, Vice Chairperson; Bailey, Bedsole, Cooley, Corbett, Foshee, Hand, Hilliard.

HEALTH AND WELFARE

Aldridge, Chairperson; Barron, Vice Chairperson; Bailey, Bedsole, Covington, Dixon, Drinkard, Holmes, Smith (J).

BANKING AND INSURANCE

Smith (J), Chairperson; Bennett, Vice Chairperson; Amari, Barron, Cabaniss, deGraffenried, Denton, Drinkard, Foshee, Hilliard, Little, Mitchem, Sanders, Smith (B), Strong.

COMMERCE, TRANSPORTATION AND UTILITIES

Denton, Chairperson; Bedford, Vice Chairperson; Amari, Bishop, Covington, Foshee, Hilliard, Holmes, Smith (B).

CONSUMER AFFAIRS

Figures, Chairperson; Smith (J), Vice Chairperson; Bennett, Corbett, Parsons, Sanders, Strong.

BUILDINGS AND GROUNDS

Foshee, Chairperson; Covington, Vice Chairperson; Bishop.

INDUSTRIAL EXPANSION, ECONOMIC GROWTH AND JOBS

Smith (B), Chairperson; Covington, Vice Chairperson; Amari, Bailey, Cabaniss, Cooley, Dixon, Figures, Smith (J).

COMMITTEE ON AGING

Amari, Chairperson; Menton, Vice Chairperson; Bailey, Barron, Bennett, Corbett, Drinkard, Goodwin, Holmes.

STUDENT AND YOUTH ACTIVITIES

Bedford, Chairperson; Strong, Vice Chairperson; Bedsole, Dial, Dixon, Little, Menton.

SMALL BUSINESS

Holmes, Chairperson; Amari, Vice Chairperson; Bedford, Cabaniss, Dixon, Hand, Goodwin.

MILITARY AFFAIRS

Dial, Chairperson; Holmes, Vice Chairperson; Barron, Bedsole, Covington, Hand, Menton.

LOCAL LEGISLATION NO. 1

Foshee, Chairperson; Bedford, Vice Chairperson; Aldridge, Bishop, Covington, Dial, Hand.

LOCAL LEGISLATION NO. 2

Parsons, Chairperson; Bennett, Vice Chairperson; Amari, Cabaniss, Hilliard, Horn.

LOCAL LEGISLATION NO. 3

Figures, Chairperson; Menton, Vice Chairperson; Bedsole, Hand.

COMMITTEE ASSIGNMENTS FOR 1985
ALABAMA STATE SENATE

3rd District

GARY ALDRIDGE—Chairperson, Health and Welfare; Finance and Taxation Education Sub-Committee; Rules; Judiciary; Constitutional Revision; Agriculture, Conservation and Forestry; Local Legislation No. 1

15th District

JOHN AMARI—Chairperson, Committee on Aging; Vice Chairperson, Small Business; Finance and Taxation General Fund Sub-Committee; Judiciary; Banking and Insurance; Commerce, Transportation and Utilities; Industrial Expansion, Economic Growth and Jobs; Local Legislation No. 2.

29th District

CHIP BAILEY—Chairperson, Agriculture, Conservation and Forestry; Finance and Taxation Education Sub-Committee; Governmental Affairs; Education; Health and Welfare; Industrial Expansion, Economic Growth and Jobs; Committee on Aging.

8th District

LOWELL BARRON—Vice Chairperson, Health and Welfare; Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Banking and Insurance; Committee on Aging; Military Affairs.

6th District

ROGER BEDFORD, JR.—Chairperson, Student and Youth Activities; Vice Chairperson, Commerce, Transportation and Utilities; Vice-Chairperson, Local Legislation No. 1; Finance and Taxation General Fund Sub-Committee; Judiciary; Agriculture, Conservation and Forestry; Business and Labor Relations; Small Business.

34th District

ANN BEDSOLE—Education; Student and Youth Activities; Military Affairs; Local Legislation No. 3; Health and Welfare.

19th District

JIM BENNETT—Vice Chairperson, Governmental Affairs; Vice Chairperson, Banking and Insurance; Vice Chairperson, Local Legislation No. 2; Finance and Taxation General Fund Sub-Committee; Judiciary; Business and Labor Relations; Consumer Affairs; Committee on Aging.

5th District

CHARLES BISHOP—Chairperson, Rules; Commerce, Transportation and Utilities; Building and Grounds; Local Legislation No. 1.

16th District

WILLIAM J. CABANISS, JR.—Banking and Insurance; Governmental Affairs; Industrial Expansion, Economic Growth and Jobs; Small Business; Local Legislation No. 2.

4th District

STEVE COOLEY—Finance and Taxation Education Sub-Committee; Rules; Judiciary; Governmental Affairs; Business and Labor Relations; Education; Industrial Expansion, Economic Growth and Jobs.

28th District

DANNY CORBETT—Chairperson, Business and Labor Relations; Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Education; Consumer Affairs; Committee on Aging.

30th District

J. FOY COVINGTON, JR.—Vice Chairperson, Buildings and Grounds; Vice Chairperson, Industrial Expansion, Economic Growth and Jobs; Commerce, Transportation and Utilities; Agriculture, Conservation and Forestry; Health and Welfare; Military Affairs; Local Legislation No. 1.

21st District

RYAN deGRAFFENRIED, JR.—Chairperson, Constitutional Revision; Vice Chairperson, Finance and Taxation Education Sub-Committee; Judiciary; Banking and Insurance.

1st District

BOBBY DENTON—Chairperson, Commerce, Transportation and Utilities; Finance and Taxation General Fund Sub-Committee; Rules; Agriculture, Conservation and Forestry; Banking and Insurance.

13th District

GERALD DIAL—Chairperson, Military Affairs; Agriculture, Conservation and Forestry; Student and Youth Activities; Local Legislation No. 1.

25th District

LARRY DIXON—Health and Welfare; Student and Youth Activities; Small Business; Governmental Affairs; Industrial Expansion, Economic Growth and Jobs.

10th District

BILL DRINKARD—Vice Chairperson, Business and Labor Relations; Governmental Affairs; Health and Welfare; Banking and Insurance; Committee on Aging.

14th District

FRANK (BUTCH) ELLIS, JR.—Vice Chairperson, Judiciary; Finance and Taxation Education Sub-Committee; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry.

33rd District

MICHAEL A. FIGURES—Chairperson, Consumer Affairs; Chairperson, Local Legislation No. 3; Finance and Taxation General Fund Sub-Committee; Rules; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry; Business and Labor Relations; Industrial Expansion, Economic Growth and Jobs.

31st District

E. C. (CRUM) FOSHEE—Chairperson, Buildings and Grounds; Chairperson, Local Legislation No. 1; Finance and Taxation Education Sub-Committee; Rules; Business and Labor Relations; Education; Banking and Insurance; Commerce, Transportation and Utilities.

24th District

EARL GOODWIN—Vice Chairperson, Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Agriculture, Conservation and Forestry; Committee on Aging; Small Business.

32nd District

PERRY HAND—Finance and Taxation General Fund Sub-Committee; Agriculture, Conservation and Forestry; Education; Small Business; Military Affairs; Local Legislation No. 1; Local Legislation No. 3.

20th District

EARL HILLIARD—Chairperson, Judiciary; Finance and Taxation Education Sub-Committee; Education; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

12th District

DONALD HOLMES—Chairperson, Small Business; Vice Chairperson, Military Affairs; Finance and Taxation Education Sub-Committee; Health and Welfare; Commerce, Transportation and Utilities; Committee on Aging.

18th District

FRED HORN—Finance and Taxation General Fund Sub-Committee; Governmental Affairs; Local Legislation No. 2.

26th District

CHARLES D. LANGFORD—Chairperson, Governmental Affairs; Finance and Taxation Education Sub-Committee; Judiciary.

27th District

T. D. (TED) LITTLE—Deputy Chairperson, Finance and Taxation; Agriculture, Conservation and Forestry; Judiciary; Banking and Insurance; Student and Youth Activities.

35th District

BILL MENTON—Vice Chairperson, Agriculture, Conservation and Forestry; Vice-Chairperson, Committee on Aging; Vice-Chairperson, Local Legislation No. 3; Judiciary; Student and Youth Activities; Military Affairs.

9th District

HINTON MITCHEM—Chairperson, Finance and Taxation; Agriculture, Conservation and Forestry; Banking and Insurance.

17th District

MAC PARSONS—Chairperson, Education; Chairperson, Local Legislation No. 2; Vice Chairperson, Rules; Judiciary; Governmental Affairs; Business and Labor Relations; Consumer Affairs.

23rd District

HANK SANDERS—Vice Chairperson, Constitutional Revision; Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Consumer Affairs.

7th District

BILL G. SMITH—Chairperson, Industrial Expansion, Economic Growth and Jobs; Finance and Taxation General Fund Sub-Committee; Constitutional Revision; Banking and Insurance; Commerce, Transportation and Utilities.

2nd District

JIM SMITH—Chairperson, Banking and Insurance; Vice Chairperson, Consumer Affairs; Finance and Taxation Education Sub-Committee; Judiciary; Constitutional Revision; Agriculture, Conservation and

Forestry; Health and Welfare; Industrial Expansion, Economic Growth and Jobs.

22nd District

FRANCES (SISTER) STRONG—Vice Chairperson, Education; Vice Chairperson, Student and Youth Activities; Finance and Taxation Education Sub-Committee; Judiciary; Banking and Insurance; Consumer Affairs.

11th District

JOHN TEAGUE—President Pro Tempore.

**HOUSE OF REPRESENTATIVES
ALPHABETICAL ROSTER AND
DISTRICT NUMBER**

Charles Adams, 83	Ron G. Johnson, 33
Robert E. Albright, 21	Roy Johnson, 63
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**ROSTER OF THE
HOUSE OF REPRESENTATIVES
1985**

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON
Speaker Pro-Tem, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

LOIS F. ALLEN, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Names	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 North Pine Street, Florence 35630
2	COLBERT	Tom Coburn	1107 East 3rd Street, Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark	Route 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter	Route 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Drive, Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton	R.R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker	303 North Douglas Street, Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055
12	CULLMAN	Bill Bowling	Route 2, Box 349, Hanceville 35077

- 13 WALKER
Tom Nicholson P. O. Box 248, Jasper 35501
- 14 TUSCALOOSA, WALKER
Carl C. Brakefield P. O. Box G, Carbon Hill 35549
- 15 PICKENS, TUSCALOOSA
Earl Mitchell P. O. Box 426, Northport 35476
- 16 FAYETTE, LAMAR, MARION
Max Newman P. O. Box 428, Millport 35576
- 17 MARION, WINSTON
Jack B. Lauderdale Route 1, Box 238, Hamilton 35570
- 18 FRANKLIN, MARION
Charlie Britnell Route 2, Box 376, Russellville 35653
- 19 MADISON
George Grayson P. O. Box 38, Normal 35762
- 20 MADISON
Steve Hettinger 100 Calhoun Street, Huntsville 35801
- 21 MADISON
Robert E. Albright 2024 Stanhope Dr.,
Huntsville 35811
- 22 JACKSON, MADISON
Albert Hall P. O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P. O. Box 1017, Scottsboro 35768
- 24 DeKALB
Ralph Burke P. O. Box 876, Fort Payne 35967
- 25 MARSHALL
Lloyd Coleman P. O. Box 67, Arab 35016
- 26 DeKALB, MARSHALL
T. Euclid Rains, Sr. Route 1, Box 326,
Albertville 35950
- 27 BLOUNT
Bob Harvey Route 4, Box 708, Oneonta 35121
- 28 ETOWAH
Joe Ford Gadsden State Jr. College,
George Wallace Dr., Gadsden 35901
- 29 ETOWAH
June Bugg 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Bobby M. Junkins 254 College St., Gadsden 35901
- 31 COOSA, ELMORE
Jack B. Venable P. O. Box 736, Tallassee 36078
- 32 TALLADEGA
Jim Preuitt P. O. Box 1063, Talladega 35160

- 33 TALLADEGA
Ron G. Johnson Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Glen Browder Route 2, Box 316, Jacksonville 36265
- 35 CALHOUN
Bobby C. Crow Route 10, Box 842, Anniston 36201
- 36 CALHOUN
James M. Campbell P. O. Box 2003, Anniston 36302
- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 46 Randolph Plaza, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 South LaFayette St., LaFayette 36062
- 39 CHEROKEE, CLEBURNE, DeKALB
Richard J. Lindsey Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
John F. Tanner P. O. Box 37, Pelham 35214
- 41 SHELBY
Sonny Moore P. O. Box 44, Sterrett 35147
- 42 ST. CLAIR
A. J. Blake Route 1, Box 206A, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Drive,
Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd Street, N.W.,
Birmingham 35215
- 45 JEFFERSON
Billy Gray 704 Lance Blvd., Birmingham 35206
- 46 JEFFERSON
Spencer Bachus 1122 22nd St. N.
Birmingham 35234
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Ave., S.,
Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Verdure Circle, Birmingham 35266
- 49 JEFFERSON
Jack Pratt 5424 Wesley Dr., Midfield 35228
- 50 JEFFERSON
Hugh Boles 1036 Normandale Circle, Hueytown 35020
- 51 JEFFERSON
Hoyt W. Trammell Route 15, Box 247,
Birmingham 35224

- 52 JEFFERSON
John W. Rogers 1424 18th St., S.W.,
Birmingham 35211
- 53 JEFFERSON
Demetrius C. Newton P.O. Box 2525, Birmingham 35202
- 54 JEFFERSON
George Perdue P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 2826 S. 18th St., Homewood 35209
- 56 JEFFERSON
Bobbie Will Greene McDowell 2322 Dartmouth,
Bessemer 35020
- 57 JEFFERSON
Chris McNair Route 4, Box 388, Bessemer 35020
- 58 JEFFERSON
Pat Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St., W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P. O. Box 8172, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton, Jr. 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA
Phil Poole P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy Johnson Route 4, Box 140, Tuscaloosa 35405
- 64 CONECUH, MONROE
J. E. (Jimmy) Warren P. O. Box 207,
Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael Onderdonk P. O. Drawer 130, Chatom 36518
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5 So.,
Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Route 1, Box 126, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James Louis Thomas Rt. 2, Box 509,
Hayneville 36040
- 70 DALLAS
W. F. "Noopie" Cosby, Jr. Dallas County Court House,
Selma 36701

- 71 AUTAUGA, CHILTON
Ed Grouby P. O. Box 188, Prattville 36067
- 72 BIBB, CHILTON
Curtis Smith P. O. Drawer 69, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr. 509 S. Court St.,
Montgomery 36104
- 74 MONTGOMERY
Bob McKee P. O. Box 424, Montgomery 36101
- 75 MONTGOMERY
John Starr, Jr. 2761 Forsyth Lane, Montgomery 36116
- 76 ELMORE, MONTGOMERY
Mike Mikell P. O. Box 993, Millbrook 36054
- 77 MONTGOMERY
John L. Buskey P. O. Box 6216, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham Box 1592, Auburn 36830
- 80 LEE
John Rice P. O. Box 2432, Opelika 36801
- 81 TALLAPOOSA
Lester White 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON
Thomas Reed P. O. Drawer EE,
Tuskegee Institute 36088
- 83 RUSSELL
Charles Adams P. O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. (Jimmy) Clark P. O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON
~~John P. Beasley~~ P. O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe Carothers, Jr. Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis Route 1, Newton 36352
- 88 DALE
James G. Sasser P. O. Box 1279, Ozark 36361
- 89 PIKE, DALE
Steve Flowers P. O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Dwight Faulk Route 2, Box 90, Honoraville 36042

- 91 COFFEE
Jimmy W. Holley Route 3, Box 191E, Elba 36323
 - 92 COVINGTON
Seth Hammett P. O. Drawer 1607, Andalusia 36420
 - 93 ESCAMBIA
Frank P. "Skippy" White Rt. 1, Box 193—Pollard,
Flomaton 36441
 - 94 BALDWIN
Walter E. Penry, Jr. Route 2, Box 286, Daphne 36526
 - 95 BALDWIN
Steve McMillan Box 337, Bay Minette 36507
 - 96 MOBILE
Mike Box P. O. Box 216, Saraland 36571
 - 97 MOBILE
Mary S. Zoghby 2862 Hilburn Drive, Mobile 36606
 - 98 MOBILE
William "Bill" Clark 711 Atmore Ave., Prichard 36612
 - 99 MOBILE
James E. Buskey 2207 Barretts Lane, Mobile 36617
 - 100 MOBILE
Victor Gaston 864 West Parkwood Dr., Mobile 36608
 - 101 MOBILE
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
 - 102 MOBILE
J. E. Turner P. O. Box 777, Citronelle 36522
 - 103 MOBILE
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603
 - 104 MOBILE
Beth Marietta 204 S. Cedar St., Mobile 36602
 - 105 MOBILE
Taylor Harper P. O. Box 229, Grand Bay 36541
-

STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1985

RULES

Clark (J), Chairman; Clark (W), Vice-Chairman; Boles, Carothers, Coleman, Davis, Dutton, Goodwin, Hall, Harvey, Johnson (Roy), Preuitt, Reed, Starr, Warren.

WAYS & MEANS

Coburn, Chairman; Holley, Vice-Chairman; Albright, Bowling, Brakefield, Browder, Holmes, Junkins, Kennedy, Mitchell, Moore, Rogers, Trammell, Turner, Turnham.

JUDICIARY

Campbell, Chairman; Onderdonk, Vice-Chairman; Bachus, Box, Britnell, Brooks, Buskey (James), Fuller, Kvalheim, Laird, Marietta, Mathis, Nicholson, Poole, Tanner.

STATE ADMINISTRATION

Blake, Chairman; White (F), Vice-Chairman; Biddle, Britnell, Coleman, Crow, Davis, Lauderdale, Mathis, Newton, Parker, Pratt, Smith, Thomas, Warren.

BUSINESS AND LABOR

Crow, Chairman; Melton, Vice-Chairman; Albright, Bachus, Beers, Blake, Boles, Bugg, Buskey (James), Buskey (John), Ford, Hooper, Moore, Pratt, Trammell.

HEALTH

Biddle, Chairman; Carothers, Vice-Chairman; Beasley, Clark (J), Butler, Flowers, Johnson (RG), McDowell, Mikell, Pratt, Sasser, Seibels, Starkey, Turner, White (L).

BANKING

Zoghby, Chairman; Harvey, Vice-Chairman; Beasley, Campbell, Cosby, Escott, Ford, Harper, Hettinger, Holley, Kvalheim, Martin, Nicholson, Penry, Venable.

INSURANCE

Cosby, Chairman; Flowers, Vice-Chairman; Brakefield, Burke, Carter, McKee, Martin, Poole, Rice, Richardson, Sasser, Seibels, Smith, Spratt, White (L).

EDUCATION

Grayson, Chairman; Turnham, Vice-Chairman; Bachus, Boles, Britnell, Bugg, Coleman, Laird, Lauderdale, McDowell, McNair, Melton, Newman, Parker, White (G).

AGRICULTURE & FORESTRY

Smith, Chairman; Richardson, Vice-Chairman; Blakeney, Bowling, Butler, Dutton, Faulk, Hall, Lindsey, Mathis, Newton, Penry, Preuitt, Rains, White (F).

NATURAL RESOURCES

Carter, Chairman; Faulk, Vice-Chairman; Britnell, Clark (W), Crow, Gaston, Grouby, Harper, Lauderdale, McMillan, McNair, Marietta, Onderdonk, Parker, Penry.

PUBLIC WELFARE

Reed, Chairman; Kvalheim, Vice-Chairman; Beers, Black, Brooks, Butler, Gray, Hammett, McNair, Newton, Payne, Rains, Richardson, Starkey, White (L).

CONSTITUTIONS AND ELECTIONS

Thomas, Chairman; Venable, Vice-Chairman; Adams, Beers, Black, Blakeney, Box, Buskey (John), Clark (D), Gaston, Grouby, Hooper, Kvalheim, McNair, Starkey.

PUBLIC UTILITIES & TRANSPORTATION

Goodwin, Chairman; Sasser, Vice-Chairman; Bryant, Burke, Gray, Jenkins, Lindsey, McKee, Mitchell, Newman, Nicholson, Payne, Preuitt, Starr, White (G).

COMMERCE AND INDUSTRIAL DEVELOPMENT

Adams, Chairman; Kennedy, Vice-Chairman; Buskey (James), Carter, Clark (D), Cosby, Harvey, Hettinger, McKee, Parker, Penry, Perdue, Rice, Tanner, Venable.

LOCAL GOVERNMENT

Martin, Chairman; Escott, Vice-Chairman; Adams, Browder, Fuller, Gaston, Gray, Grayson, Johnson (RG), Perdue, Seibels, Spratt, Starkey, Venable, White (L).

MILITARY AFFAIRS

Ford, Chairman; Newman, Vice-Chairman; Brooks, Bryant, Escott, Grouby, Hammett, Johnson (RG), Lindsey, Melton, Newton, Payne, Perdue, Sasser, Starkey.

HIGHWAY SAFETY

Holmes, Chairman; Tanner, Vice-Chairman; Box, Faulk, Flowers, Fuller, Harper, Hettinger, McMillan, Marietta, Poole, Rogers, Spratt, White (F), Zoghby.

SMALL BUSINESS

Laird, Chairman; Mathis, Vice-Chairman; Blakeney, Butler, Fuller, Gray, Hammett, Lindsey, McDowell, McMillan, Mikell, Payne, Starr, Tanner, White (G).

LOCAL LEGISLATION NO. 1

Rains, Chairman; Bryant, Vice-Chairman; Black, Blakeney, Browder, Bugg, Burke, Clark (D), Ford, Fuller, Lindsey, McMillan, Rice, Thomas, Venable.

LOCAL LEGISLATION NO. 2
(Jefferson)

Boles, Chairman; Bachus, Vice-Chairman; Beers, Biddle, Boles, Davis, Escott, Gray, McDowell, McNair, Newton, Payne, Perdue, Pratt, Rogers, Seibels, Spratt, Trammell, White (G).

LOCAL LEGISLATION NO. 3
(Mobile)

Turner, Chairman; Buskey (James), Vice-Chairman; Box, Clark (W), Gaston, Harper, Kennedy, Kvalheim, Marietta, Zoghby.

LOCAL LEGISLATION NO. 4 (Madison & Montgomery)
(Madison)

Albright, Chairman; _____, Vice-Chairman; Brooks, Butler, Grayson, Hall, Hettinger.

(Montgomery)

McKee, Chairman; Starr, Vice-Chairman; Buskey (John), Holmes, Hooper, Mikell.

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